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THE
Juvenile Court Laws
OF THE
State of Colorado

AS IN FORCE AND AS PROPOSED

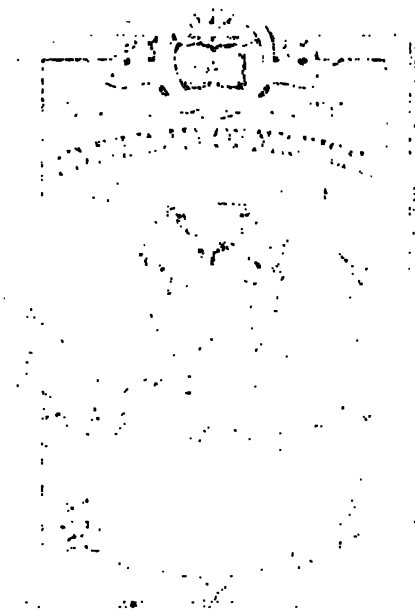
THEIR PURPOSE EXPLAINED

Published by the
Juvenile Improvement Association of Denver

to Assist the Establishment of Juvenile Courts
in Every State in the Union.

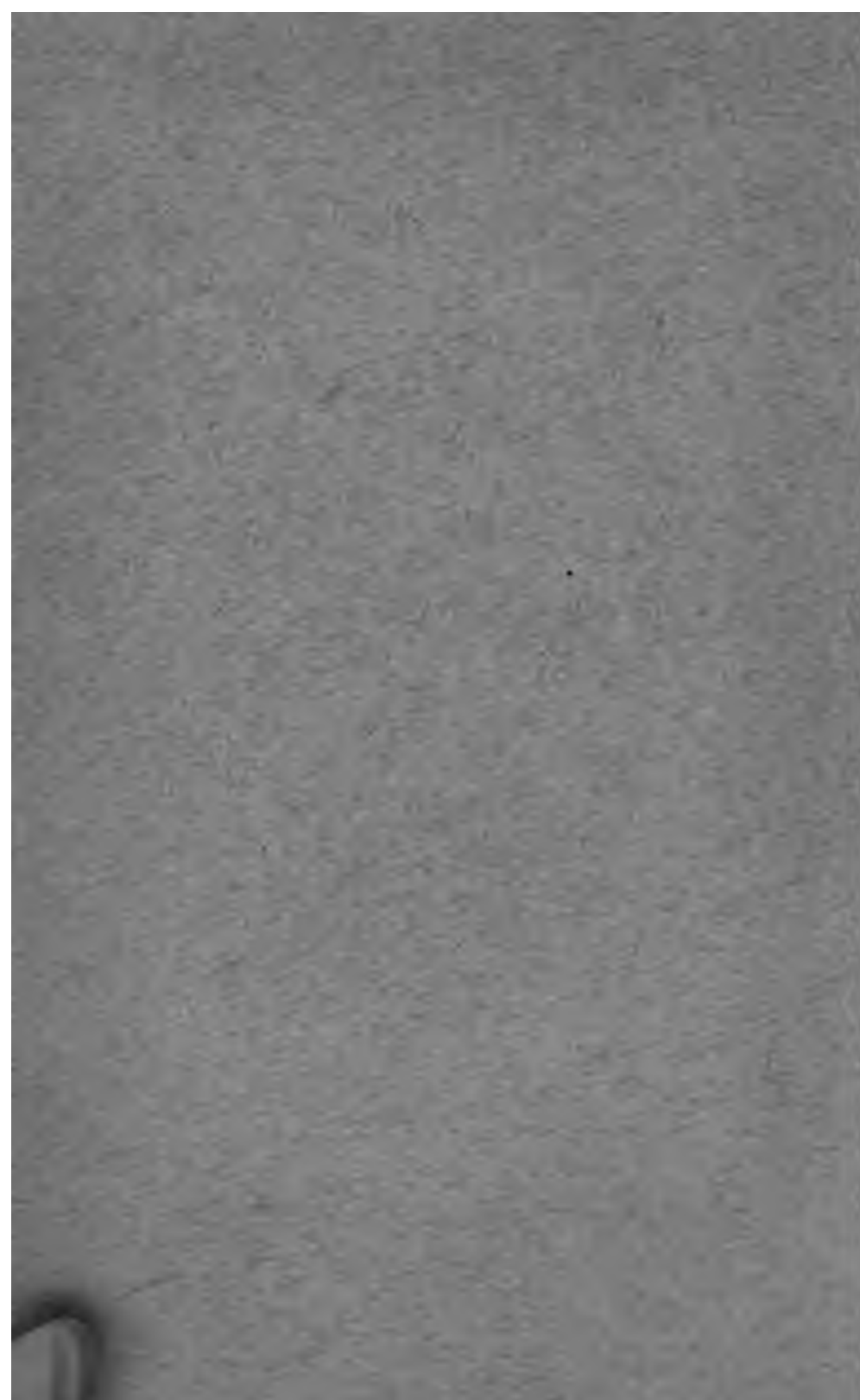
1905

COMPILED BY BEN. B. LINDSEY.





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Juvenile Court Literature

So many inquiries have been made regarding the Colorado Juvenile laws that the following pamphlet, containing a copy of such laws, together with a copy or explanation of any amendments, pending before the legislature of Colorado in January, 1905, are also added, with brief comments thereon by way of explanation.

In addition to this pamphlet, persons interested in the passage of some practical and enlightened laws for the care, protection and correction of children, and especially for the placing of a greater legal responsibility for the moral as well as physical welfare of children upon the parent and the home, are referred to a pamphlet upon "Juvenile Courts" containing the material portions of the Illinois and Colorado juvenile laws, as published and issued by T. D. Hurley, Editor of the Juvenile Court Record, 625 Unity Building, Chicago; price 50 cents; also a booklet entitled "The Problem of the Children," which may be had by addressing the Juvenile Court, Denver, Colorado; price 25 cents. The philanthropic magazine "Charities," 105 East Twenty-second Street, New York City, has issued two helpful numbers, one in November, 1903, and one in January, 1905 (price 10 cents), devoted to the juvenile court laws and work. These numbers contain excellent papers by various judges, probation officers, and others, dealing with various phases of work for dependent and neglected children in various parts of the United States. The prices of such literature are as follows: Each number of "Charities," 10 cents; The subscription price to the "Juvenile Court Record," devoted to Juvenile Court work, is \$1 per year; "Charities" of New York, \$2 per year. Every probation officer or other worker in the cause of childhood should certainly have these publications. "The Problem of the Children," being a description of the work in the Juvenile Court of Denver for the last four years, sells for 25 cents a copy to those who care to pay it, to help defray a part of the expenses for its printing and mailing.

Two things are necessary to the success of the "Juvenile Court." First, the necessary laws; second, the people who will do the work required by these laws. What these laws are, what they ought to be, what the work is and what it ought to be, can only be understood by those interested thoroughly familiarizing themselves with the literature upon the subject, and that referred to herein is recommended for this purpose.

THE COLORADO JUVENILE LAWS.

Section 1 of the Juvenile Delinquency Act should be read in connection with section 1 of the Adult Delinquency Act.

This section defines "delinquency" and determines the class of things done by a child which, under section 1 of the adult delinquent act, any adult person may be responsible for by any act causing, encouraging, or contributing thereto. For instance, it will be noted that if a child merely *enters*, *patronizes*, or *visits* certain places, no matter how innocent the purpose of the child may be, any person who directed the child to go to such place, or even sent it there upon an errand or message, contributes to its delinquency. "Delinquency" is simply a condition into which the child enters innocently or purposely, but it is presumed to be a condition which, if continued in, may make the child a criminal or otherwise bring evil to its life. "Delinquency" is not intended to be a term of opprobrium or reproach, as "criminality" would be, and so the child is not charged with being a criminal, but, as will be noted by section 12 of this act, as needing aid, help, assistance, etc. The Juvenile Court, in dealing with a "delinquent" child, acts rather in the capacity of a chancery court and not as a criminal court. The petitions or complaints are filed in the interest of the child and not to degrade or punish it. The state is simply acting in its capacity as *parens patriae*—for the welfare of its ward.

Section 12 provides that the act shall be "liberally construed" in order that the care of the child may approximate as near as may be the care which should be given it by a wise and just parent. It thus follows in construing this section in connection with section 1 of the adult delinquent act, that the court may adopt a liberal construction where it is in the interest of the child. If a child smokes cigarettes on the public street or about the school house, or if it uses profane or obscene language on the public street, it is "immoral conduct," and any person contributing thereto

or encouraging such conduct is guilty of a misdemeanor under section 1 of the adult delinquent law. The court has ruled—under the liberal construction—that the mere giving or sale of tobacco or of cigarette paper to a child is an “act causing, encouraging or contributing to the delinquency of the child,” and such person is therefore responsible since the smoking of tobacco injures the child and is therefore immoral conduct. In addition, Colorado has a positive law, passed in 1891, forbidding the sale of tobacco to any child under 16 years of age. If a child wanders on the railroad tracks more than once or “hops” the cars, it endangers both its life and limb as well as its morals, because it is a short step from stealing coal to stealing out of the box-car and the corner grocery, and finally tapping the till. The first acts of delinquency in the case of a young murderer—who shot a man when caught in the act of robbing the cash drawer—have been traced back only five or six years to running on the railroad tracks and stealing from the cars in which he was either encouraged by his parents, or what is the same thing, where the parent made no determined effort to correct him. Such a man has been known to have served a short sentence in jail for such offenses at the age of 12 or 13. It was simply the beginning of a criminal career. And so in Denver we have brought in the parents of such a possible future criminal when he is a mere child, and fined them \$25 and costs, or sentenced them to thirty days in the county jail. We do this when the efforts of the officer fail to keep children from going on the railroad tracks, stealing coal, or entering the box cars, or playing about the trains. Such a case is only an illustration of many. This fine is generally suspended on condition that the parent look after the child and keep it off the tracks. In quite a number of cases, however, in Denver, fathers have been sent to jail on Saturday and released on Monday night, under a thirty days’ sentence in jail, upon condition that three days be served and twenty-seven days suspended, so long as the child is kept off the tracks, not sent to the saloon for beer or liquor, not sent to any gambling house or house of ill-fame upon any message or otherwise—the conditions of the suspected sentence against parents varying according to the form of delinquency of the child sought to be corrected. There have been but about two children out of a hundred who have returned to the juvenile court in the course of two or three years’ work under this law, where the parent was thus dealt with, and the exceptional case is

generally where there is no father and some poor mother who works all day and simply cannot look after the child, and therefore parental responsibility does not really exist. The child is without a home. It is such children that are generally sent to institutions.

Of course the definition of "delinquency" in other laws may be either broadened or made less severe. One objection—though really never seriously urged—to this definition of delinquency in Colorado was that it was putting too great a power in the hands of the court, and that it would be abused by the probation officers and the courts because the definition is so broad that almost any child in any community could be brought within the terms thereof. Such fears have proved entirely groundless, since out of hundreds of cases brought to the juvenile court no such charge has ever been made and no exception has ever been taken to, or appeal from, a single judgment. On the contrary, as delicate as the relation between the parent and child is conceded to be, and as ready as people naturally are to resent any unwarranted or unjust intrusion, under this law in Colorado we do not know of a single case where any such abuse has been charged, and there have been several thousand cases under the law in the state. Such has been the real experience under these laws. The whole *spirit* and *purpose* of the law is to *help* and *assist* the child in the home, where it needs assistance, and to *compel the parents* to perform their duty where they are neglecting the child. It stands to reason that neither the court nor the probation officers are desirous of bothering with a child whose parents can and will take care of it. The parents of an offending child are generally first given a warning of their *legal responsibility* for its *moral welfare* and given a chance to correct it. It is rather the wish and effort of probation officers to obtain the assistance of the parents and in all proper cases to be relieved of the burdens of cases which properly belong to the home. It is intended—and in practice has demonstrated, that it strengthens and preserves the home. Its purpose is to compel parents to perform their duty where they are neglecting it and to help those parents who need help. Parents who are true to their own home and children are entitled to have the benefits of a law that will insure the performance of such duties by other homes, for the sanctity and security of each home, depends a great deal on how well neighboring homes are also conducted, for you cannot prevent children associating together, and they are often influenced

by their associates and the character of that influence depends on how well each child is reared and this of course depends largely on its home and parents. It thus follows that this court is an effort at character building in dealing with the child and at home building in dealing with the parent. The practical operation of this law in Colorado has more than demonstrated that such is its effect. Responsible parents are given every opportunity to correct the faults of their children, on the theory that such correction should be made by the parent, and the court simply sees to it that the parent is performing that function and that duty. It has no desire to usurp it. The trouble is, especially in the large cities of this country, that there are thousands of fathers who have deserted the mother, or through divorce, drink, or some other fault, have deprived children of their birthright—the care and control of a wise, kind and firm father. The lack of this in the home is one of the most potent causes of the great increase of crime in this country.

We must recognize that over half of the criminal inmates of prisons and institutions are from the youth of the nation, who arrive at the prison through neglect in childhood, and bad habits formed at the formative period of life, between eight and sixteen years of age. The purpose of this law therefore is to make a *broad definition of delinquency* and thus give the court and its officers power to aid, help, assist, and otherwise firmly and kindly deal with the children and their parents, especially in the large cities, where the intervention of the state is necessary. In this way and by this system, wisely operated, we are positively preventing crime. It is much better that the state should perform this function wisely, humanely, and well, *while there is an opportunity to prevent crime*, than to be compelled to postpone the evil day until the child has become a criminal, for the state is today taking care of tens of thousands of its young men after they have become criminals when they might have been saved from lives of crime by sane, sensible and sympathetic interest by the state in boyhood. From one-fifth to one-fourth of all arrests in cities (excluding common drunks and disorderlies) have generally been among boys under seventeen years of age and in proportion to ages of our population, by decades, this means that more boys are being arrested in cities than any other class of citizens, and these boys are mostly the criminals of tomorrow unless wisely corrected and protected today.

The cost of detecting and convicting criminals for a period of three years, in the city of Denver, through the criminal courts, was \$1,020,000, as appears from the tables in the booklet on the "Problem of the Children." The saving to the people in actual dollars and cents during three years under the juvenile court system was over \$250,000 cash. The governor of Colorado, in his message to the Assembly two years ago, declared that in a period of eighteen months the juvenile system in Denver alone had saved to the state and county over \$80,000, and this statement was made after investigation set on foot by the governor.

WHAT IS NECESSARY.

The juvenile law is a good thing, but there can be little chance for its entirely satisfactory operation unless it be accompanied by the following: *A law holding parents and others responsible for delinquency and dependency of children, as such laws now exist in Colorado; a wise child labor law; a good compulsory school law; a detention school in cities in place of the jail; the enforcement of all laws relating to children in one court before one judge, and a corps of paid and efficient officers who are sincere and earnest in their work.* The best work can never be accomplished by depending entirely upon voluntary probation officers. Whatever degree of perfection may be credited to the juvenile court system of Denver, Colorado, is largely due to the fact that the law permits three paid probation officers for the city of Denver, and that these paid probation officers are not politicians and never were and never will be, and were never known to take any part in politics, but were selected because of the fact that they were educators and heart and soul interested in the problem of the children, knowing and understanding it, and because of a compulsory school law which permits us to keep children in school and thus out of idleness and consequent crime upon the streets. All of these things did not come at once, nor is it claimed that they are yet perfected in Colorado, but they will never come unless the fight is made. Even if the fight shall only win one at a time and the progress has to be gradual and in the face of difficulties, disappointments and misunderstandings the gaining of one will merely demonstrate in time the necessity of the others and thus convince the sceptical. The press, pulpit, schools, and all the people in Colorado are thoroughly convinced of the wisdom of the juvenile court laws and juvenile court system as one of the most potent

factors in the solution of the great problem of crime, and while the saving to citizenship is the most important thing, at the same time, nothing has saved the state more of its wealth as well as its men and women of tomorrow.

PRESIDENT ROOSEVELT ENDORSES JUVENILE COURTS.

"The District of Columbia Government should be a model for the other municipal governments of the nation in all such matters as supervision of the housing of the poor, the creation of small parks in the districts inhabited by the poor, in laws affecting labor, in laws providing for the taking care of children, in truant laws and in providing schools.

In the vital matter of taking care of children, much advantage could be gained by a careful study of what has been accomplished in such states as Illinois and Colorado by the juvenile courts. The work of the juvenile court is really a work of character building. It is now generally recognized that young boys and young girls who go wrong should not be treated as criminals, not even necessarily as needing reformation, but rather as needing to have their characters formed, and for this end to have them tested and developed by a system of probation.

Much admirable work has been done in many of our commonwealths by earnest men and women who have made a special study of the needs of those classes of children which furnish the greatest number of juvenile offenders, and therefore the greatest number of adult offenders; and by their aid, and by profiting by the experiences of the different states and cities in these matters, it would be easy to provide a good code for the District of Columbia."—From the message of President Roosevelt to Congress, Dec. 6th, 1904.

"While President Roosevelt promises a report on the Colorado labor troubles from the bureau of labor, he honors the state by recommending to congress the adoption of Judge Ben B. Lindsey's Colorado juvenile laws. It would have been a nice thing, wouldn't it, if the local politicians had succeeded in pulling down Judge Lindsey and destroying that juvenile court just in advance of its honorable mention in the message of the president of the United States to congress? The Post feels proud that it was the newspaper medium of the campaign to resist that blow to civic pride, and it believes that, in the battle to prevent the ignomy,

was the center of the storm wave now purifying our politics."
—Editorial Denver Post, Dec. 7th, 1904.

THEODORE ROOSEVELT TO THE PEOPLE OF COLORADO.

The last time the President was in Colorado the following statement was made in his address:

"Just one word on the future of the country—the country as it will be twenty, thirty or forty years hence. A good deal depends upon how we handle business, how we do our great industrial work, how we handle the farms and ranches, but what counts most is the kind of men and women that there are at that time in the country. No nation is safe unless in the average family there are healthy, happy children. If these children are not brought up well they are not merely a curse to themselves and their parents, *but they mean the ruin of the State in the future.*"

JUDGE BEN B. LINDSEY IN "THE PROBLEM OF THE CHILDREN."

"It must become the belief of every earnest citizen interested in the home and the citizenship of tomorrow that questions of politics—the tariff, the money question, what is to be done with an alien race in the Philippines, or what not—cannot begin to compare in importance with the question of the children. A member of the President's cabinet (Secretary Shaw) recently said in a public address that the boys of America were the most neglected creatures in the world. I have seen them by the thousands and tens of thousands amidst the congested centers of population in all the great cities of the Union, and I know they do not receive near the attention given to live stock. The marvel is that they turn out as well as they do and that crime is no more prevalent than it is. The state is making magnificent efforts to provide for the intellectual welfare of its children, but it can never hope to get the best results from its labor unless this be supplemented by equal efforts for their moral welfare. The church and the school have a tremendous work, but when these, and the home fail the state is called in, for after all the state is above the parent. It is its duty to see that the child is cared for. It can and does send the child to school or keep it from work, whether the parent consents or not. It does not ask the consent of the parent. The parent merely has the consent

of the state to the custody of the child so long as it is to the child's best interest, and because of natural love and affection it is simply assumed that it is, till the contrary be shown. The state respects, protects and encourages these natural ties, but parents have not owned their children since the days of Roman slavery, and when the parents shirk or fail and their influence degrades the child, their right to its care and custody may be forfeited to the state. Then the state must compel the parents to do their duty; in many cases it must assist; and, purely in the interest of the child, it must often properly and necessarily assume (not usurp) these functions. In doing this let it discharge its duty as nearly as possible as a wise and loving parent should—with patience, with justice, with charity, with love, and yet with firmness and with strength."

"It is worth while observing that Mr. Roosevelt (in his message) gives a well-deserved compliment to the child laws of Colorado and the work of Judge Lindsey by recommending that the laws of Colorado and Illinois be followed in framing child laws for the government of the District of Columbia."—Editorial Denver News-Times, Dec. 6th, 1904.

"You know I believe in children. I want to see enough of them and of the right kind. * * * While in this country we need wise laws honestly and fearlessly executed, and while we cannot afford to tolerate anything but the highest standard in the public service of the government, yet in the last analysis the future of the country must depend upon the quality of the individual home, of the individual man or woman in that home."—Theodore Roosevelt.

Again, in his message to congress, the president says:

"There should be severe child-labor and factory-inspection laws. It is very desirable that married women should not work in factories. The prime duty of the man is to work, to be the breadwinner; the prime duty of the woman is to be the mother, the housewife.

"All questions of tariff and finance sink into utter insignificance when compared with the tremendous, no vital importance of trying to shape conditions so that these two duties of the man and of the woman can be fulfilled under reasonably favorable circumstances.

"If a race does not have plenty of children, or if the children do not grow up well, or if when they grow up they are unhealthy in body *and stunted or vicious in mind*, then that race is decadent, and no heaping up of wealth, no splendor of momentary material prosperity, can avail in any degree as offsets."

The importance of the problems that affect the home were never more powerfully impressed upon a people by any American statesman than in the last message of the President to Congress. Was there ever a stronger statement than the following sentence, occurring in the message?

"IN THE VAST AND COMPLICATED MECHANISM OF OUR MODERN CIVILIZED LIFE, THE DOMINANT NOTE IS THE NOTE OF INDUSTRIALISM; AND THE RELATIONS OF CAPITAL AND LABOR, AND ESPECIALLY OF ORGANIZED CAPITAL AND ORGANIZED LABOR, TO EACH OTHER AND TO THE PUBLIC AT LARGE, COME SECOND IN IMPORTANCE ONLY TO THE INTIMATE QUESTIONS OF FAMILY LIFE."

THE PRESIDENT AND JUVENILE COURTS.

(Editorial, *Denver Republican*, Dec. 11, 1904.)

The commendatory references to the work done by Judge Lindsey which President Roosevelt made in his message to congress are a source of pleasure and gratification to all who have observed and approved the good work Judge Lindsey is doing to restrain and save boys in danger of going permanently astray.

It was in connection with his suggestions concerning the better government of Washington city that the president made the comments referred to.

The special feature of Judge Lindsey's work is that wherein he refuses to treat young boys as criminals, but rather as persons "needing to have their characters formed, and for this end to have them tested and developed by a system of probation." This method of treatment, it will be observed, is what President Roosevelt approves, and no doubt his endorsement will go far to secure its adoption in Washington.

The history of crime and of penal institutions is full of evidence of the evil effect of subjecting unformed characters to criminal influences by placing boys or young men in daily contact with the hardened inmates of jails and penitentiaries. So true is this that there should be no question in the mind of any intelligent person that to condemn a boy of 10 or 12 to such an environment is almost equivalent to condemning him to a life of crime.

The period of most effective education is the period of youth, and boys learn far more from example than from precept. To place them at the educative age in daily contact

with criminals is to train them and educate them in crime. So long as the state follows that course it will have itself to blame for needlessly adding to the number of the criminal class. Judge Lindsey's aim is to save boys who come within the jurisdiction of his court from this evil contact and, while their characters are yet unformed, to start them upon the right path.

The only answer to his application of this method is to say that he maintains no control over the boys, and that his leniency tends to make them look upon criminal offenses as trivial and of little consequence.

Whatever foundation there may be for this charge during the season of school vacation, it is unquestionably not true in the period of school attendance. During the nine months and a half in which the schools are open the eye of the juvenile court for at least five days in each week is upon every boy who is put upon probation. He cannot escape school attendance, for if he remains away that fact is reported and a probation officer is sent after him. His conduct in school is reported by his teacher, and he is compelled to bring that report to Judge Lindsey. If he shows that he conducted himself well, he is praised; but if, on the contrary, his conduct is shown to have been bad, he is admonished and in some cases punished by confinement in the detention home.

There is hope for a boy so long as he attends school regularly and brings a report of his conduct at stated intervals to the juvenile court. That some go entirely astray is not denied. It has been so since the world began. But this at least may be said that the state is not assisting those whose characters are not yet formed along the path of vice by condemning them to daily contact with criminals.

JACOB A RIIS—"THE MOST USEFUL CITIZEN OF NEW YORK"—UPON JUVENILE COURTS.

"The problem of the children is the problem of the state. As we neglect or pass them by the blame for bad government to come must rest upon us.

"I said it before and I repeat it now, the whole life of this most far-reaching reforms hangs upon the faithful execution of the probation law by the judges. They are the keepers of the people's conscience in this matter, and have it in their power to smother or put it to sleep.

"You are altogether and everlastingly right. The child who gets yanked into court is a victim not a criminal. He is

sinned against, rather than sinning. 'He is not wicked, but weak,' is the verdict of every thinking superintendent and prison chaplain I ever met. Some one or something is responsible for his weakness, his lack of character. If that is the truth, then to register him as a criminal is the worst of crimes; it is folly, the kind of folly that wrecks the citizenship of tomorrow with the boy. The something that sent him adrift is the thing to be held responsible—hence our fight in the cities for better homes, for human rights for the lad, for play, for school, for everything that makes a natural childhood for him. Where the parents are at fault they should be put on probation, according to Colorado's wise plan; where it is any other guilty one he should feel the responsibility. Poor Tony, who alone can have none, who is the victim of everybody's else's neglect, or worse, all around, is dragged into court, frowned upon and fined, and headed straight for the jail, for the gallows, perhaps, for a criminal career that mulcts us all for the neglect and indifference of a few. What a perversion of justice and sense.

"Not only Colorado, but the whole country, owes the juvenile court a debt of gratitude for making our duty toward the lad clear. He has been trying in his own way to do it by holding before us the results of our wasteful ways, to call them nothing worse. It is bad to waste money on food, but to waste the tomorrow of the republic is criminal. Be sure he will respond to the ways of better sense. It does not take him long to discover that it 'pays better to be good than bad,' if, indeed, he has not long since made it out, waiting only for the day that should give him the chance."

JUDGE LINDSEY ON JUVENILE COURTS.

The following remarks by Judge Lindsey at the National Conference of Charities and Corrections in Portland, Maine, in June, 1904, will best explain one of the most important features of the Colorado juvenile law which does not pertain to that of any other state:

"I insist that one point respecting which we have been weak in the past has been our failure to do sufficient earnest work to help the boy in the home. We must have laws all over the union like that which has proven so satisfactory in Colorado, which holds the parents and other citizens responsible for the delinquency of children. In Denver, for six years past we have arrested the parent for the truancy of the child. The law gave us power to fine or send that parent to jail, and we have done that, too. For two years past it

has permitted us to do the same thing with parents and others who contribute to any character or delinquency of the child. Here is an actual case, as showing how the law operates: A man sent a twelve-year-old boy to a saloon. The boy entered the place and received a package from the barkeeper. He carried that package to a disorderly house. In Denver we brought in the man who sent the boy to the saloon, the barkeeper who gave him the package, for permitting him to enter the saloon, and the keeper of the disorderly house for permitting him to enter the disorderly house. Now, what is the effect of this? It is simply to force men and women to respect the sacred rights of children, and in doing this we improve the environment and detract from the opportunities for evil in the life of the child, and thus we begin to smash the mill that is grinding out the delinquent children of the great cities. We are not going to make much progress until we work along this line, and work hard and hit right and left, sparing no man who may be guilty. I note that thousands of children are being brought to the juvenile courts of the great cities. This is the product that comes from the mill. Now, I ask you, what are you doing to stop the mill?

"In Colorado we are trying to smash the mill, and so we are putting men and women on probation very often while we send the children home to become members of the Little Citizens' League. With us the police have brought in the product, but it has been left to the boys to turn upon the mill and help to smash it. We must enforce these laws for the protection of sacred childhood.

"I object to boys going to saloons and vile places more because of the example that is set them than from any fear that they may really become drunkards or gamblers by choice. Boys do what men do; they are imitative—if they see men doing things which they are forbidden to do, all of your preaching soon becomes a howling farce. One good example in the life of a boy is better than forty sermons."

TWO GOVERNORS OF COLORADO TO THE GENERAL ASSEMBLY RECOMMENDING THE JUVENILE COURT.

Governor James H. Peabody:

"The County Judges' Association, composed of all the county judges of the state, with painstaking care and much labor, has prepared and will submit to this assembly "A

bill for an act to regulate the treatment and control of delinquent children," which I recommend to your serious consideration.

"An eminent authority on criminology has well said:

"Neglected childhood is the great cause of crime, for neglected childhood means neglected character, and at a time when character is still plastic."

"Only a very small proportion of those children who subsequently grow up into criminals are criminals by instinct, and would develop into criminals, no matter what their environment. They are bred into criminals in nearly every instance through idleness and lack of home training and influence. Divorces, drunkenness, parental incapacity and indifference to the welfare of the child mark the initial stages.

"These naturally lead to idleness on the part of the child, and evil associations and courses. The start once made, the first arrest soon follows. The child who has never been taught any better is locked up, oftentimes with hardened criminals, is tried and practically railroaded to one of the reform schools. His status in the world is officially thrust upon him; he is a criminal. After a few years in the reform school he emerges with nothing to do and nowhere to go. He naturally falls in with his old companions and into his old ways. Another arrest soon follows, and in the course of time society forces him into the professional criminal class, and makes him an outcast.

"The bill, as framed, is based upon similar laws in other states and the experience of the County Court of Arapahoe county.

"As an illustration of the practical results accomplished for the taxpayer, it may be stated that the cost of trial, conviction and maintenance at Golden or Buena Vista of fifteen average juvenile criminals, as shown by the records of Arapahoe county, is \$227.92.

"During eighteen months 454 juvenile delinquents were tried in the county court and put on probation, at an average expense of \$11.89, resulting in a saving to the county and state of \$88,827.68.

"In addition to this, these juvenile delinquents, with scarcely an exception, have been turned into the right path and give every indication of becoming upright, honorable citizens.

"I believe that no bill which you may be called upon to consider will be of greater importance than this, and if

enacted into law, the good results which will be accomplished under it will be far-reaching."

Governor James B. Orman:

"In this connection, I desire to call attention to the report of the Juvenile Division of the County Court of Denver. No more effective work has been performed than that of Judge Lindsey in behalf of the juvenile delinquents of the city of Denver.

While we have no juvenile law on our statute books, the judge of the County Court has, through the co-operation of the district attorney, and a liberal construction of the present law, been able to accomplish about all the results that would have obtained through the operations of a special juvenile law. However, there is no reason why we should further delay its enactment, and especially now that we have before us an example of what the practical workings of such a law would be were it in active operation throughout the whole state. It is far better and much less expensive to train the future citizens of the state right in their earlier years, than to provide for their subjugation and correction after they have arrived at mature years and have become habitual criminals.

"A large percentage of the cases brought before the juvenile court for attention are permanently corrected. They are instilled with higher ideals, and taught the beauties of a life of morality. They are placed upon their honor, and not dealt with as criminal offenders. In most instances it has not only been a help to the child, but has worked for the upliftment of the home, by causing the removal of the evil environments surrounding the child.

"If such a law is enacted, and I sincerely hope it will be, I believe that some amendments should be made in the compulsory educational law of the state, by extending the age limit, and also by removing the minimum period of attendance. This should be done for the reason that a child may be deficient in his studies, and to assure him a proper education, he should be compelled to attend school during the entire school year. The judge before whom the case is brought is better able to judge of this than any one else, and should have full authority in the matter. The enactment of this law will receive the hearty support of all the educators of the state."

THE COLORADO JUVENILE LAWS.

COLORADO ADULT DELINQUENCY LAW—PARENTS AND OTHERS RESPONSIBLE.

There is no more important feature of our children's laws than "An act to provide for the punishment of persons responsible for or contributing to the delinquency of children."

"Section 1. In all cases where any child shall be a delinquent child or a juvenile delinquent person, as defined by the statute of this state, the parent or parents, legal guardian, or person having the custody of such child, or any other person, responsible for, or by any act encouraging, causing or contributing to the delinquency of such child, shall be guilty of a misdemeanor, and upon trial and conviction thereon shall be fined in a sum not to exceed one thousand dollars (\$1,000), or imprisoned in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment. The court may impose conditions upon any person found guilty under this act, and so long as such person shall comply therewith to the satisfaction of the court the sentence imposed may be suspended."

THE JUVENILE DELINQUENT LAW.

AN ACT CONCERNING DELINQUENT CHILDREN.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. This act shall apply only to children sixteen (16) years of age or under, not inmates of a state institution, or any institution incorporated under the laws of the state for the care and correction of delinquent children. The words "delinquent child" shall include any child sixteen (16) years of age or under such age who violates any law of this state or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly visits or enters a house of ill-repute; or who knowingly patronizes or visits any policy shop or place where any gambling device is, or shall be, operated; or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold; or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the night time without being on any lawful business or occupation; or who habitually wanders

about any railroad yards or tracks, or jumps or hooks on to any moving train, or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language, or is guilty of immoral conduct in any public place or about any school house. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act, or any evidence given in such cause, shall not in any civil, criminal or other cause or proceeding whatever in any court be lawful or proper evidence against such child for any purpose whatever, excepting in subsequent cases against the same child under this act. The word "child" or "children" may mean one or more children, or the word "parent" or "parents" may mean one or both parents when consistent with the intent of this act.

Section 2. The county courts of the several counties in this state shall have jurisdiction in all cases coming within the terms and provisions of this act. In trials under this act the child informed against, or any person interested in such child, shall have the right to demand a trial by jury, which shall be granted as in other cases unless waived, or the judge of his own motion may call a jury to try any such case. In counties of the first and second class a special record book or books shall be kept by the court for all cases coming within the provisions of this act, to be known as "The Juvenile Record," and the docket or calendar of the court upon which there shall appear the case or cases under the provisions of this act shall be known as "The Juvenile Docket," and for convenience the court in the trial and disposition of such cases may be called "The Juvenile Court." Between the first and thirteenth days of October of each year the clerks of the county courts shall submit to the State Board of Charities and Corrections a report in writing, upon blanks to be furnished by said board, showing the number and disposition of delinquent children brought before such court, together with such other useful information regarding such cases and the parentage of such children as may be reasonably obtained at the trials thereof; Provided, that the name or identity of any such child or parent shall not be disclosed in such report, and that such report shall not be published at state expense.

Section 3. All proceedings under this act shall be by information or sworn complaint to be filed by the district

attorney as in other cases under the general laws of the state ; Provided, That probation officers provided for by this act are hereby empowered to file sworn complaints and conduct proceedings against any child under this act. In any such information or complaint filed under this act, the act or acts claimed to have been committed by the child proceeded against shall in a general way be stated therein as constituting such child a juvenile delinquent child or person.

Section 4. The district attorneys of the judicial districts respectively of the state may appoint a deputy district attorney in each county in such districts to file in the county court of such county any information, and to try any cause under this act in order that all such cases shall be heard and disposed of promptly and without delay. Such attorney, when so appointed, shall conduct cases coming within the provisions of this act during such time as may be deemed necessary by such judge. In counties having a population of over one hundred thousand the county judge thereof, when deemed necessary by him, may direct the district attorney of such judicial district to appoint a deputy district attorney, to be properly qualified, to act as such in the county court of such county in the conduct and disposition of cases therein under this act, at a salary to be fixed by such county judge, not to exceed two thousand dollars per annum, to be paid in the same manner provided by law for the payment of salaries of deputy district attorneys.

Section 5. It shall be unlawful for any court, clerk or other person to tax or collect, or for any county to pay, any fees whatever now permitted by law to be taxed and collected for the benefit of any court, officer or person, for the case of any delinquent child coming within the provisions of this act for violating any law of this state, or committing any of the acts mentioned in section 1 hereof, unless such child shall be proceeded against in the County Court under the provisions and in accordance with the purpose of this act, except in capital cases, or where the court shall direct a prosecution under the criminal code, or where complaint has been filed before a justice of the peace or police magistrate who shall duly comply with the terms of section 7 of this act.

Section 6. Upon the filing of an information under this act, a warrant or capias may issue as in other cases, but no incarceration of the child proceeded against thereunder shall be made or had unless in the opinion of the judge of the court, or in the absence of the judge from the county

seat, then in the opinion of the sheriff of the county, it shall be necessary to insure its attendance in court at such times as shall be required. In order to avoid such incarceration, if practicable, it shall be the duty of the sheriff of the county, or his deputy or representative, to serve a notice of the proceedings upon at least one parent of the child, if living and known, or its legal guardian, or if his or her whereabouts or residence is not known, or if neither parent nor guardian shall be in this state, then some relative living in the county, if any there be whose whereabouts are known, and such judge or sheriff may accept the verbal or written promise of such person so notified, or of any other proper person to be responsible for the presence of such child at the hearing in such case, or at any other time to which the same may be adjourned or continued by the court. In case such child shall fail to appear at such time or times as the court may require, the person or persons responsible for its appearance as herein provided for, unless in the opinion of the court there shall be reasonable cause for such failure of such child to appear as herein provided for, may be proceeded against as in cases of contempt of court and punished accordingly; and where any such child shall have failed to appear, as required by the court or its officers, any warrant, capias or alias capias issued in such case may be executed as in other cases; Provided, however, that no child within the provisions of this act under fourteen (14) years of age shall under any circumstances be incarcerated in any common jail or lock-up, and any officer or person violating this provision of this act shall be guilty of a misdemeanor, and on conviction fined in a sum not to exceed one hundred dollars (\$100). In counties of the first class it shall be the duty of the proper authorities to provide and maintain at public expense a detention room, or house of detention, separated or removed from such jail or lock-up, to be in charge of a matron or other person of good moral character, wherein all children within the provisions of this act shall, when necessary, be incarcerated. Any such child so informed against shall also have the right now given by law to any person to give bond or other security for its appearance at the trial of such case, and the court may, in any such case, appoint counsel to appear and defend on behalf of any such child.

Section 7. When any child sixteen (16) years of age or under, is arrested with or without warrant, such child shall instead of being taken before a justice of the peace or police magistrate, be taken directly before the county court;

or, if the child is taken before a justice of the peace or police magistrate, upon complaint sworn out in such court or for any other reason, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such county court, and the officer having the child in charge to take the child before that court, and, in any such case the court may proceed to hear and dispose of the case in the same manner as if such child had been brought before the court upon information originally filed as herein provided; or, when necessary, in cases where the delinquency charged would otherwise constitute a felony, may direct such child to be kept in proper custody until an information or complaint may be filed as in other cases under this act or the laws of the state; Provided, That nothing herein shall be construed to confer jurisdiction upon any justice of the peace or police court to try any case against any child sixteen (16) years of age or under.

Section 8. The county courts of the several counties in this state shall have authority to appoint or designate one or more discreet persons of good moral character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the county treasury except as herein provided. In case a probation officer shall be appointed by the court it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer when any child is to be brought before the court; it shall be the duty of such probation officer to make investigation of such case; to be present in court to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the court or judge may require, and to take charge of any child before and after the trial as may be directed by the court. The number of probation officers named and designated by the county court, shall be as follows: In counties having a population of over one hundred thousand, not to exceed three (3) probation officers, one of whom shall be appointed and designated as chief probation officer, who shall receive a salary of fifteen hundred dollars (\$1,500) per year, and expenses may be allowed said officer to the amount of five hundred dollars (\$500) in the discretion of the court, and two (2) others to be appointed and designated as assistant probation officers, who shall receive a salary of twelve hundred dollars (\$1,200) per year and expenses may be allowed said assistant probation officers to the amount of three hundred dollars (\$300) each in the discretion of the court, from

the public funds, said salaries to be paid in equal monthly installments by the board of county commissioners of such county, or that official or official body having the powers and duties, or similar powers and duties to those now or heretofore conferred by law upon the board of county commissioners of such counties or other proper officer as to the payment for services to the county; in all other counties having a population exceeding fifteen thousand, according to the last federal census, not to exceed one probation officer, to be appointed and designated as herein provided for, who shall be paid such annual salary as may be fixed by a majority of the board of county commissioners, payable in equal monthly installments as herein provided; Provided, That no such appointment, except in counties having over one hundred thousand population, shall be made unless in the opinion of the county judge and a majority of the board of county commissioners such appointment upon such salary shall be necessary. In counties of over one hundred thousand population a probation officer to be paid a salary as provided for under this act shall not be qualified to act as such until such appointment has been submitted to the State Board of Charities and Corrections, and such appointee approved by said board as a qualified and proper person to discharge the duties of such office, and it shall be the duty of said board to approve or disapprove of such appointee within thirty (30) days after submission thereof by the county court, and a failure to act thereon in such time shall constitute an approval of such appointment. Paid probation officers provided for by this act are hereby vested with all power and authority of sheriffs to make arrests and perform other duties incident to their office.

Section 9. In any case of a delinquent child coming under the provisions of this act, the court may continue the hearing from time to time, and may commit the child to the care of a probation officer, and may allow said child to remain in its own home, subject to the visitation of the probation officer; such child to report to the court or probation officer as often as may be required, and subject to be returned to to the court for further proceedings whenever such action may appear necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the

board of such child, until suitable provision be made for the child in a home without such payment, or the court may commit such child, if a boy, to the State Industrial School for Boys, or, if a girl, to the State Industrial School for Girls, or the court may commit the child to any institution within the county, incorporated under the laws of this state, that may care for children, or which may be provided by the state or county, suitable for the care of such children, or to any state institution which may now or hereafter be established for the care of boys or girls. In no case shall a child proceeded against under the provisions of this act be committed beyond the age of twenty-one. A child committed to any such institution shall be subject to the control of the board of managers and the said board shall have power to parole such child on such conditions as it may prescribe; and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or delinquent children, and which has been duly credited as herein provided.

Section 10. All institutions or associations receiving children under this act shall be subject to the same visitation, inspection and supervision by the State Board of Charities and Corrections, as are public charitable institutions of this state, and it shall be the duty of the State Board of Charities and Corrections to pass annually upon the fitness of any institution or association which may receive, or desire to receive, any child or children under the provisions of this act; and every such institution or association shall, at such times as said Board of Charities and Corrections shall direct, make report thereto, showing its condition, management and competency to adequately care for such children as are, or may be, committed to it, and such other facts as said board may require, and upon said board being satisfied that any such association or institution is competent and has adequate facilities to care for such children, it shall issue to the same a certificate to that effect, which certificate shall continue in force for one year unless sooner revoked by said board. The court, or the judge thereof, may at any time, require from any such institution or association receiving or desiring to receive children under the provisions of this act, such reports, information and statements as the court or judge shall deem proper and necessary for his action, and the court shall in

no case commit a child or children to any association or institution whose standing, conduct or care of children, or ability to care for the same, is not satisfactory to the court.

Section 11. Nothing in this act shall be construed to repeal any portion of the act or acts providing for an industrial school for girls or boys, nor any portion of chapter one hundred and thirty-six (136) of the Session Laws of 1899, entitled "An Act to Compel the Elementary Education of Children in School Districts of the First and Second Class," but nothing in said act shall be held to prevent proceedings against any child within the ages prescribed by said act, under this act as a juvenile disorderly person or delinquent child. All other acts or parts of acts inconsistent herewith are hereby repealed.

Section 12. This act shall be liberally construed, to the end that its purpose may be carried out, to-wit, that the care and custody and discipline of the child shall approximate as nearly as may be that which should be given by its parents, and that as far as practicable any delinquent child shall be treated, not as a criminal, but as misdirected and misguided, and needing aid, encouragement, help and assistance.

Section 13. Whereas, in the opinion of the general assembly, an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

NOTES EXPLANATORY OF VARIOUS SECTIONS OF THE "ACT CONCERNING DELINQUENT CHILDREN."

NOTE TO SECTION 2.

County courts in Colorado exist in each of the counties. They have original and unlimited jurisdiction in all chancery cases concerning minors and the administration of their estates; criminal jurisdiction against all minors, whether the offense be a felony, misdemeanor or mere delinquency; criminal jurisdiction in all cases against adults where the offense charged is a misdemeanor. In misdemeanor cases the limit of the penalties provided is one year in jail and a thousand dollars fine, or both. For this reason all offenses in the way of contributing to the delinquency of children are made misdemeanors in order that they may be all tried in the county courts which are by law declared to be the juvenile courts. Capital cases or other serious cases of crimes against children declared to be felonies are of course tried in the criminal courts. The county courts have complete jurisdiction to deal with every aspect of the case

concerning the child under the juvenile laws of Colorado, whether it involves the parent, the child, or other person, and such cases are all brought in that court.

NOTE TO SECTION 3.

District attorneys were thus recognized in this section because at the time of the passage of the Juvenile Act it was desired that no chances should be taken upon the constitutionality of the act; so that in case any court should hold that the probation officer could not file the complaint, the act would not in any way be jeopardized, since the district attorney, under the Constitution of Colorado, prosecutes all cases of violation of the laws of the state, and the complaint could thus be filed by the district attorney. The district attorneys were recognized, first, as a precautionary measure; second, the Colorado Juvenile Act applies to the entire state. In small counties no probation officer is provided since there is not sufficient number of childrens' cases to justify the expense. There is always a deputy district attorney in each county and thus in each county the district attorney looks after such cases. The form of the complaint filed by the district attorney is different, however, from that in the case of a crime, as will be seen from the blank forms printed in this pamphlet. Under this form of complaint it is believed that the Colorado law could be sustained in any court, no matter upon what theory it might be regarded. In the cities the district attorneys have nothing to do with cases against children, but they are left entirely to the probation officers by general consent. If it was ever held by any court, which we now believe is impossible, that the probation officers could not file complaints then the deputy district attorney would file them and the work not be seriously interfered with.

At the time the Colorado juvenile law was drafted there had been no decision by any supreme court in this country passing upon the validity of such an act, and the law was carefully drafted so that it might be sustained upon almost any theory. Since the law was drafted the supreme court of Missouri has sustained the Juvenile Act of that state, which did not take the several precautions which the Colorado law did to avoid attacks that might have been made upon it, so that, if the law were reconstructed, some of its present provisions, which were put in merely as precautionary measures to meet constitutional objections or attacks, might now with more safety be eliminated. They have in no way, however,

interfered with the operation of the law in accordance with its real spirit, but on the contrary have been of great assistance in preserving it from attacks.

NOTE TO SECTION 4.

The purpose of this section was to place upon some state and county officers already provided for, without the necessity or expense of creating new officers, the duty of looking after such cases. This section is only used by district attorneys in small counties where there are seldom any cases arising under this law. In order to avoid constitutional inhibitions it was deemed necessary to have every section apply equally to each county; although the supreme court of Missouri has held recently that this was not necessary in a case where the juvenile law of that state was attacked because it was made to apply only to cities in the state having a population of over one hundred and fifty thousand.

The real purpose of the second part of this section was to permit the county court in the City of Denver to obtain a deputy in the district attorney's office, who would file complaints against parents and others especially for contributing to the delinquency of children. The district attorney was also in need of other help in his office in Denver besides help to give especial care and attention to the cases of parents and others offending against the laws intended for the protection of children, and a deputy in the county court of Denver has therefore the particular duty and responsibility of prosecuting all such cases.

NOTE TO SECTION 5.

The purpose of this section was to prevent prosecuting officers from prosecuting children for crime and receiving the large fees provided therefor by the general statutes. The laws of Colorado compensate many of the county officers by fees to be earned in each case an aggregate amount being fixed as the limit to be earned and the surplus to be returned to the county. In some counties there is difficulty to earn the aggregate amount to be retained and there is thus a kind of a premium placed upon prosecutions which simply shows the viciousness of the method of compensation to county officers by fees—a system that should be abolished and no doubt will be. We have avoided such abuses in childrens' cases by denying fees by law if they are prosecuted for crime and permitting a much smaller fee

where the district attorney brings the case for delinquency and permitting no fee to probation officers—placing them on a salary. As a result there has so far never been a case of abuse charged under this law because of the fee system and if there was it would not argue against the Juvenile law, but against the fee system of compensation. The juvenile court of Denver sends its boys to the state institution alone. One objection we have heard was that it deprived the sheriff of his fees. But it saves the state much money and what is more important the friendship of the boys.

It was also believed when this act was passed that it was questionable whether the state officers could be deprived of the right under the constitution of Colorado to prosecute children for crime if they so elected. However, this may have been, the supreme court has permitted the legislature to provide a system of fees for the compensation of officers for their services, and it was believed that by forbidding the collection of any fees for prosecuting children for crime, it would compel the prosecuting officers not in sympathy with the law to permit the case to be disposed of under this act, subject to its probation and other features, and such has been its practical effect in such cases.

NOTE TO SECTION 6.

The detention school has been provided for for the city of Denver, in accordance with this section. This detention school takes the place of the jail. The child is simply kept in the detention school and kept at its books, or kept at some useful occupation, pending its trial, in those cases where the detention is necessary. Under a city ordinance passed in pursuance of this section in the city of Denver the court also uses the detention school as its right arm of discipline, and a boy who fails to report as required by the rules of the court, or otherwise violates any of his terms of probation, may be placed in the detention school. In practice we often send a boy to the detention school over Saturday and Sunday, where it is necessary to discipline him, and he is simply "kept in," and the superintendent and the officers of the court use every influence in their power toward arousing the moral sensibility of such a child.

The detention school also serves the purpose of a temporary place of care for dependent children or any other case requiring temporary care pending its final disposition. In practice, under this section, it is generally impracticable to notify the parent when a child is picked up on the street and,

pending investigation of any offense in which it has been detected, it is taken to the detention school and there kept until the parent can be communicated with or the child otherwise released under the terms of this section. The Colorado juvenile act, as will appear in this section, was framed in order that it could be sustained as to its practical workings, no matter what view any supreme court might finally take of the act. If it should hold that the child must be treated as other citizens in dealing with it for crime, the act could still be sustained, and some of the provisions are thus merely by way of precaution and may not be necessary in similar acts in other states. The Illinois law was followed in Pennsylvania and declared to be unconstitutional by a *nisi prius* court of that state for various reasons and the Colorado juvenile law of 1903 was framed with the idea of avoiding, if possible, any of the successful attacks made in Pennsylvania upon the Illinois law, as substantially copied in that state. We do not believe that the Pennsylvania ruling will be sustained, but that following the supreme court of Missouri the courts will eventually sustain the juvenile law as framed in Illinois. Precaution should be taken to adopt a law in other states to comply with the requirements of the particular constitution in that state.

NOTE TO SECTION 7.

The purpose of this section was to take all cases against children out of the justice's and magistrate's court and place them in the county court, where they could all be cared for by the same set of officers. In some cities the police judge, by setting aside a special day for childrens' cases would make just as good a juvenile court as the county court, and even better, if the judge was interested in that court; but where a juvenile law covers the whole state some uniform system should be adopted if practicable. A police court, if properly organized and officered, is just as good as any other court provided the proper protection and precautions can be taken to remove children from the lessons of bad examples and bad influences which are generally necessarily brought to that court and may therefore make the problem somewhat more difficult.

NOTE TO SECTION 8.

Paid probation officers should be provided for in all cities, the number probably to be limited according to what may appear to be the needs of such city, and some

provision should be made for similar officers in smaller cities where it may seem necessary, the provision here requiring that the appointment of probation officers be approved by the state board of charities and corrections was an effort to keep such officers out of politics and to secure competent people, qualified to hold such positions. The State Board of Charities is a non-partisan board, without pay, made up of men and women who are leading citizens of the state.

The power of police officers is limited in this section to paid probation officers, the theory being that it may be a dangerous power to vest in every voluntary probation officer who might not be entirely responsible to the court for his acts. In Denver we believe the power could safely be extended to all probation officers.

NOTE TO SECTIONS 9 AND 10.

These sections give the court power to establish the probation system and provide the terms thereof. It is also intended to give the court and the State Board of Charities and Corrections some right to visitation and supervision over institutions which may take delinquent children. The provision was taken substantially from the Illinois law. The state provides a splendid school in the Industrial School for Boys at Golden, Colorado and the Industrial School for Girls at Morrison, Colorado, located within twenty-five miles of Denver.

NOTE TO SECTION 12.

This section expresses the intent and purpose of the act. Under it, in practice in the court, the proceedings are very informal, and the court acts with considerable discretion in dealing with the child and its parents as seems to the best interest of the child.

DETENTION SCHOOL LAW.

The Detention School ordinance, passed by the City Council, and the section of the charter of the City of Denver adopted by the charter convention, were passed in pursuance of the directions of section 6 of the general statutes concerning delinquent children.

The following is the first ordinance for the establishment of a Detention House or School for Denver:

A BILL FOR AN ORDINANCE TO ESTABLISH A HOUSE OF DETENTION FOR THE CARE AND CUSTODY OF DEPENDENT OR DELINQUENT CHILDREN SIXTEEN YEARS OF AGE OR UNDER, AND TO PROVIDE FOR THE CARE, CONDUCT AND MAINTENANCE THEREOF, AND TO MAKE AN APPROPRIATION THEREFOR.

Be it enacted by the City Council of the City and County of Denver:

Section 1. There is hereby established a House of Detention in the city and county of Denver for the purpose of caring for dependent or delinquent children sixteen years of age or under, whom it may be necessary to incarcerate or hold in custody by virtue of the order, warrant or direction of any court of the city and county of Denver, or an arrest by any officer thereof.

Section 2. Until a building is erected therefor, the House of Detention shall consist of a suitable and convenient house, to be rented or leased for not to exceed five years for any one period, upon such terms as may be approved by the city council. The House of Detention shall be so arranged, furnished and conducted that, as near as practicable for their safe custody, the inmates thereof shall be cared for as in a family home and public school. To this end the employes provided for and selected to control and manage such house shall consist of a man and woman who are husband and wife, of good moral character, who shall be respectively designated at "Superintendent" and "Matron" of the House of Detention, and shall reside therein, and at least one of whom shall be competent to teach and instruct children in branches of education similar to those embraced in the curriculum of the public schools of the said city and county up to and including the eighth grade, and such help or assistance as in the opinion of the city council shall be necessary to the proper care and maintenance of such house. Such house shall be supplied with all necessary and convenient facilities for the care of the inmates as herein provided.

Section 3. The superintendent and matron shall be designated and appointed by the mayor of the city and county of Denver, to serve while satisfactory to the mayor, and shall jointly receive a salary of \$1,200.00 per year, payable in monthly installments of \$100.00. All other necessary employes for the conduct, care and maintenance of said house shall be selected, named and appointed by the mayor, upon

such salary as shall be fixed and approved by the city council. The supplies or repairs necessary to maintain, operate and conduct the House of Detention shall be furnished upon the requisition of its superintendent to the commissioner of supplies, and the bills therefor shall be audited, passed upon and paid as other bills for supplies for the institutions of said city and county of Denver.

Section 4. It shall be the duty of the superintendent of said House of Detention to keep a complete record of all children committed thereto, which record shall contain the name, residence, address and age of each child, and the cause or reason of its detention, the length of time detained, the offense alleged to have been committed by such child, if any, and any other useful data or information that may be directed to be kept by the judge of the Juvenile court of the city and county of Denver. A record shall also be kept by such superintendent of all expenditures made by the city for the care and maintenance of such home. An annual report to the city council shall be made between the first and thirty-first days of December in each year by the superintendent, which shall contain an itemized statement of all such expenses necessary to maintain such house, together with the number of inmates therein during each month. The city council, or the judge of the Juvenile court of said city and county, may, at any time, demand, in which case it shall be the duty of the superintendent to furnish, such information as said city council or court may require concerning the conduct, maintenance or inmates of the House of Detention.

Section 5. There is hereby appropriated from the emergency fund, created by Ordinance No. 32, of the series of 1903, the sum of six thousand and five hundred dollars (\$6,500), to be placed to the credit of the House of Detention fund, for the purpose of maintaining and conducting the said House of Detention and caring for its inmates for the year 1903.

February 6th, 1904, the charter convention, provided by the constitution of the state of Colorado, to adopt a new charter for the city of Denver, established as part of the county government a "department of charities and corrections." This department is maintained by a commission of three citizens, appointed by the mayor, which has supervision over all the charitable and correctional work of the city. The ordinance referred to, and section 120 of the new city charter, were adopted in pursuance of the general statutes concerning delinquent children, which statutes abolished the

jail and provided for a detention school. The section of the new city charter is as follows:

"Section 120. There shall be established and maintained a detention school, not connected with any jail, which shall be in charge of a superintendent. The superintendent shall be appointed by the juvenile court (county court) of the city and county, provided such appointment must be first submitted to the commission for its approval as to the qualification of the appointee. It shall be the duty of the commission to approve or disapprove such appointment within thirty days after the submission thereof; such appointment shall be considered approved in case the commission shall fail within said time to take any action thereon. The superintendent must be qualified to instruct and teach children in branches of education similar to those of the public schools of the city and county. Such schools shall be supplied with all necessary teachers, help and convenient facilities for the care of inmates thereof. The employes thereof shall be appointed in like manner as the superintendent. Children under sixteen years of age, arrested for any cause, may, by order of the juvenile court, unless otherwise provided by the juvenile court act, be held in the detention school until final judgment. They shall receive schooling and professional services when required. No child fourteen years of age or under shall be incarcerated in any common jail or lock-up.

"The superintendent shall keep a record of such children and such other information as may be required by the juvenile court (the county court) of the city and county, or the commission."

The ordinance and section of the charter were written by the judge of the Juvenile court of Denver. In the original ordinance the city council changed section 3 so as to provide that the mayor should make the appointment of the superintendent and matron of the detention house or school. This was done primarily because it was desired that some one of the political faith of the administration passing the ordinance might be appointed, but the mayor appointed the selection of the Juvenile court and turned down politicians. As the ordinance originally read it provided that the judge of the Juvenile court should make the appointment. In the section of the charter referred to it is provided that such appointments shall be made by the judge of the Juvenile court, but the appointment must be submitted to the commission of charities and corrections for its approval as to the qualifications of the appointee. This commission receives no salary

and is made up of prominent citizens interested in philanthropic and charitable work, and who, because of the fact that the position is purely an honorable one without any compensation, are not likely to be politicians looking principally for jobs and helping to get others jobs and thinking of nothing beyond a job. So that this provision was written with the hope that the superintendent of the detention school would be a first-class teacher, whose competency would be measured by ability in this respect, rather than by activity in politics.

THE PHYSICIAN AND THE COURT.

The provision that children in attendance should receive schooling and "professional service," was intended to preserve that feature of the administrative work of the Juvenile court of Denver, which is to send a delinquent child to an eminent specialist of the medical profession, when it seems advisable, as is often the case. Many a case of delinquency in the Juvenile court of Denver has been cured by the physician, who has discovered that weak eyes, secret habits, lack of nourishment, neglect, nervous trouble, or other physical causes are directly responsible for or contribute to the moral ailment. The Juvenile court of Denver has a regular staff of physicians, who render their services without compensation. These gentlemen of the medical profession are among the most eminent in the city. No more interesting chapter of the Juvenile court of Denver could be written than that of detailing the splendid work they have unselfishly performed in many cases and the many magnificent results, even though the diagnosis returned in many cases by the physician is "pure cussedness."

When a child is detained in the detention school, the superintendent simply calls up the grammar school and ascertains the grade and studies and lessons for the day and week, and the child is put at its desk during the day at the same lessons and the same work it would otherwise be doing in school, except that it is not permitted to go out and play unless under exceptional circumstances and is detained over Saturday and Sunday, or such length of time as the court shall direct, pending the hearing or character of the case where it is necessary to discipline a probationer. The normal condition of the child is thus preserved, and while it is corrected it is also protected. The detention school is not a cure-all and sometimes seems to fail of its purpose, and while there are exceptional cases, it must be remembered

that the same was true of the jail only in a greater number of cases, surrounded by greater dangers and always by evil influences which do not pertain to the detention school.

The boys and girls are separated, although accommodations are provided in the same house. It is very seldom that girls are in detention, and if so there are generally not to exceed two or three at a time in a city the size of Denver. Probably the average attendance at the detention school in the city of Denver would range from ten to twenty boys. There are accommodations in the present detention school for as many as twenty boys and six or seven girls. Denver is a city having about thirty thousand children between the ages of eight and sixteen, so that it will be observed that the number of delinquents is comparatively insignificant, but however small the number may be they are entitled to be protected from the vile influences of the jail while the city is attempting their correction.

The present officers of the detention school consist of Mr. and Mrs. J. P. Wright, who are superintendent and assistant superintendent respectively. One young man is kept as guard and helper, and one cook and housekeeper, making four employes in all. The boys and girls are often required to do the housework, very much as they might be required to do in their own homes. The superintendent sleeps in the dormitory with the boys, and every effort is made to protect the purity of their lives, a thing that not only is not done in jails, but on the contrary, every feature of jail life contributes to the frightful moral degradation of children either locked up together in a room in the jail, as has been the case in many jails, or placed in the same cell or bull pen with men and women, as we have seen them in jails of other cities.

THE MOST RECENT COLORADO CHILD LABOR LAW, PASSED IN FEB. 1903.

It will be noted by section one (1) of the child labor law that a certain discretion as to exemption from operation of the law is vested in the county court in all cases between 14 and 16 years of age. The effect of this has been to render the law more elastic and to exempt some cases from the operation thereof. But for this provision the law might have worked a serious hardship. There has been no claimed abuse under the privilege of this section, and it has generally proved satisfactory. In Denver all applications of children to be permitted to be relieved from the operation of the

school law and the child labor law are first addressed to the superintendent of schools under the compulsory education act, and if the disposition of such application is not satisfactory to the applicant or parents or others interested in the child, the matter is then brought to the attention of the judge of the Juvenile court for review and final settlement. During the first year under this law five or six hundred applications were made to the superintendent of schools and probably half of them were granted.

The truant officers, probation officers and officers of the Humane Society have access to and make inspections of factories and stores from time to time, for the purpose of enforcing the provisions of the compulsory school law and child labor law. and at present is claimed by all who are interested in the enforcement of such laws that a very satisfactory condition with respect thereto exists in the State of Colorado. Several suits have been brought under the law and heavy penalties enforced against the violators, which included the president, foreman, superintendent, manager and one or two others connected with one large corporation in particular which violated the child labor law. No other prosecutions have been necessary in the last year.

AN ACT TO PRESCRIBE AND REGULATE THE HOURS OF EMPLOYMENT FOR WOMEN AND CHILDREN IN MILLS, FACTORIES, MANUFACTURING ESTABLISHMENTS, SHOPS, STORES, AND ANY OTHER OCCUPATION WHICH MAY BE DEEMED UNHEALTHFUL OR DANGEROUS, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. From and after the passage of this act it shall be unlawful for any person, agent, firm, company, co-partnership, or corporation to require any child, either boy or girl, of sixteen years of age or less, to labor or work in any mill, factory, manufacturing establishment, shop or store, or in or about coal or other mines, or any other occupation not herein enumerated which may be deemed unhealthy or dangerous, for a greater number than eight hours in the twenty-four hour day, except in cases where life or property is in imminent danger, or in the week before and following Christmas day. Provided, That any child between the age of fourteen and sixteen years coming within

the provisions of this act may be exempted from the provisions thereof, if in the opinion of the judge of the County court of the county in which said child resides it would be for its best interests to be so examined. Application may be made in writing to any county judge by any such child, its parent or guardian, to be granted such exemption, when it shall be the duty of such judge to hear the same and inquire particularly into the nature of the employment sought. No fees shall be charged or collected in any such case.

Section 2. All paper mills, cotton mills and factories where wearing apparel for men or women is made, ore reduction mills or smelters, factories, shops of all kinds and stores may be held to be unhealthful and dangerous occupations within the meaning of this act at the discretion of the court.

Section 3. No woman of sixteen years of age or more shall be required to work or labor for a greater number than eight hours in the twenty-four hour day, in any mill, factory, manufacturing establishment, shop, or store for any person, agent, firm, company, co-partnership or corporation, where such labor, work or occupation, by its nature, requires the woman to stand or be upon her feet, in order to satisfactorily perform her labors, work or duty in such occupation and employment.

Section 4. Any person who shall take, receive, hire or employ any child under the age of fourteen years in any under-ground works or mine, or in any smelter, mill or factory, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars, nor more than five hundred dollars and shall be imprisoned in the county jail not less than thirty days, nor more than three months.

Section 5. Any person, agent, firm, company, co-partnership or corporation which shall violate any of the provisions of this act or shall require a greater number of hours of work or labor than herein specified of any child, either boy or girl, of sixteen years of age or less, in any employment or occupation herein enumerated, or any other which shall be deemed by the courts as unhealthful, shall be deemed guilty of a misdemeanor, and shall be fined in a sum of not less than one hundred dollars (\$100), or more than five hundred dollars (\$500), or be imprisoned in the county jail for not less than two, or more than four months, or by both such fine and imprisonment, in the discretion of the court, for each offense.

Section 6. All district attorneys shall be required to make prosecutions for all violations of this act, upon the sworn complaint of any reputable citizen that this act is being violated by any person, firm, company, co-partnership or corporation.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

COLORADO SCHOOL LAW.

The Colorado laws relating to compulsory education are printed in this pamphlet. Compulsory education has existed in Colorado since 1882. Since 1889 by section 3 of the school law.

"Section 3. Any parent, guardian or other person failing to comply with the provisions of section 2 of this act shall upon conviction, be deemed guilty of a misdemeanor and fined in a sum not less than five nor more than twenty-five dollars for each offense; and all fines so collected shall be paid into the county treasury and placed to the credit of the school district in which the offense occurs. (L. '89, p. 60, Sec. 3; Mills Ann. St., Sec. 419.)"

An act was approved April 12th, 1899 providing for compulsory education in districts of the first and second class. The act provides for school attendance for the entire school term, which in Colorado is from September to June, and is substantially the same in all the counties. Parents who fail to send their children to school may be sent to jail, and in some instances were sent to jail, by the juvenile court. Two years ago sections 1, 4 and 7 of this act were amended. The act is enforced by the juvenile court (county court) and follows herewith, including the amendments of 1903, which amendments have had the effect, substantially, of repealing one or two of the old sections.

"An act concerning compulsory elementary education in school districts and to amend sections 1, 4 and 7 of an act entitled: "An act to compel the elementary education of children in school districts of the first and second class. Approved April 12, 1899. In force July 12, 1899. [L.'99, p. 396. Amended L.'03, p. 418.]"

CHILDREN SENT TO SCHOOL—EXCEPTION—APPEAL.

Section 1. That in all school districts of this state, all parents, guardians and other persons having care of children shall instruct them, or cause them to be instructed, in

reading ,writing, spelling, English grammar, geography and arithmetic. In such districts, every parent, guardian or other person having charge of any child between the ages of eight (8) and sixteen (16) years, shall send such child to a public, private or parochial school for the entire school year during which the public schools are in session in such district; Provided, however, That this act shall not apply to children over fourteen (14) years of age where such child shall have completed the eighth grade, or may be eligible to enter any high school in such district, or where its help is necessary for its own or its parent's support, or where for good cause shown it would be for the best interests of such child to be relieved from the provisions of this act; Provided, further, That if such child is being sufficiently instructed at home by a person qualified, such child shall not be subject to the provisions of this act; and Provided, further, That if a reputable physician within the district shall certify in writing that the child's bodily or mental condition does not permit its attendance at school, such child shall be exempt during such period of disability from the requirements of this act. It shall be the duty of the superintendent of the school district, if there be such superintendent, and, if not, then the county superintendent of schools, to hear and determine all applications of children desiring for any of the causes mentioned herein to be exempted from the provisions of this act, and if upon such application such superintendent hearing the same shall be of the opinion that such child is for any reason entitled to be exempted as aforesaid, then such superintendent shall issue a written permit to such child, stating therein his reasons for such exemption. An appeal may be taken from the decision of such superintendent so passing upon such application to the county court of the county in which such district lies, upon such child making such application and filing the same with the clerk or judge of said court within ten days after its refusal by such superintendent, for which no fee to exceed the sum of one dollar shall be charged, and the decision of the county court shall be final. An application for release from the provisions of this act shall not be renewed oftener than once in three months. [L. '99, p. 340, Sec. 1, as amended by L. '03, p. 418, Sec. 1.]

CHILDREN UNDER 14 YEARS NOT EMPLOYED— PENALTY FOR EMPLOYING.

Section 2. No child under the age of 14 years shall be employed by any person, persons, company or corporations

during the school term and while the public schools are in session, unless the parent, guardian or person in charge of such child shall have fully complied with section one of this act. Every such employer shall require proof of such compliance, and shall make and keep a written record of the proof given, which shall be subject to the inspection of the truant officer, superintendent of schools, or any school director of the district. Any employer employing any child contrary to the provisions of this section, shall be fined not less than twenty-five nor more than one hundred dollars. [L. '99, p. 341, Sec. 2.]

MINORS BETWEEN 14 AND 16 MUST READ AND WRITE—DUTY OF EMPLOYER—PENALTY.

Section 3. All minors over the age of 14 years and under the age of 16 years who can read and write the English language, shall attend school at least one-half day of each day, or attend a public night school, or take regular private instruction from some person qualified, in the opinion of the county superintendent of schools, in which such district or the greater portion of the same lies, until such minor obtains a certificate from such superintendent that he or she can read at sight and write legibly, simple sentences in English. Every employer employing or having in employment any such minor shall exact as a condition of employment the school attendance or instruction required by this section, and shall on request of the truant officer, furnish the evidence that such minor is complying with the requirements of this section. Every employer failing to comply with the requirements of this section as to any minor employed by him or in his employ, shall be fined not less than twenty-five dollars, and not more than one hundred dollars; Provided, That any employer with the approval or consent of the county superintendent of schools may make provision for the private instruction of minors in his employ. [L. '99, p. 341, Sec. 3.] (This section was repealed by amendment of section 1, in 1903.)

TRUANT—WHO IS—JUVENILE DISORDERLY PERSON.

Section 4. Every child within the provisions of this act who does not attend school, as provided in section one of this act, or who is in attendance at any public, private or parochial school, and is vicious, incorrigible or immoral in conduct, or who is an habitual truant from school, or who

habitually wanders about the streets and public places during school hours without any lawful occupation or employment, or who habitually wanders about the streets in the night time, having no employment or lawful occupation, shall be deemed a juvenile disorderly person, and be subject to the provisions of this act. [L. '99, p. 342, Sec. 4, as amended by L. '03, p. 419, Sec. 2.]

TRUANT OFFICER—POWERS—DUTIES—RECORD.

Section 5. To aid in the enforcement of this act, the board of school directors in districts of the first and second class shall have power, and it shall be their duty, to appoint one or more truant officers whose compensation shall be fixed by the board appointing them. The truant officer shall be vested with police powers, and shall have authority to enter workshops, factories, stores and all other places where children may be employed, in the way of investigation or otherwise, to enforce this act. The truant officer shall institute proceedings against any officer, parent, guardian, person or corporation who shall violate any of the provisions of this act, and shall otherwise discharge the provisions of this act and perform such other services as the county superintendent of schools or the board of directors of the school district may deem necessary to preserve the morals and secure the good conduct of school children, and to enforce this act. The truant officer shall keep a record of his transactions for the inspection of the county superintendent of schools and of the directors of the school district, and suitable blanks shall be provided for his use by the secretary of the school district. [L. '99, p. 342, Sec. 5.]

TRUANT OFFICER—DUTIES—CONVICTION OF PARENT—PENALTY—BOND—DEFENSE.

Section 6. The truant officer shall examine into any case of truancy within his district, and shall warn the parent guardian, or others in charge of the child of the final consequences of truancy if persisted in. When any child between the ages of eight and fourteen years, or any child between the ages of fourteen or sixteen years, who can not read and write the English language, or is not engaged in some regular employment, or any child between the age of fourteen years and sixteen years who has been discharged from employment to obtain instruction or schooling, is not attending school without lawful excuse and in violation of the provisions of this act, the truant officer shall notify the

parent, guardian, or other person in charge, of the fact, and require such person to cause the child to attend some recognized school within five days from the date of the notice, and it shall be the duty of such person so to cause its attendance at some recognized school. Upon failure to do so, the truant officer shall make complaint in the county court of the county in which such child lives, against the parent, guardian or other person having such child in charge, and upon conviction, the parent, guardian or other person in charge, shall be fined not less than five dollars nor more than twenty dollars, or the court may, in its discretion, require; the person so convicted to give a bond in the penal sum of \$100, with sureties to the approval of the judge of such court, conditioned that he or she will cause the child under his or her care to attend some recognized school within five days thereafter, and to remain at school during the term prescribed by law. And upon the failure or refusal of the parent, guardian or other person to pay such fine or furnish such bond according to the order of the court, the said parent, guardian or other person shall be imprisoned in the county jail not less than ten day nor more than thirty days. For violation of the bond, suit may be brought in any court of competent jurisdiction, in the name of the school district, and the amount recovered shall go to the school fund of the district. If the parent, guardian or other person shall prove his inability to cause the child to attend a recognized school, it shall be a defense, but the child shall be deemed a juvenile disorderly person within the meaning of section 4 of this act. [L. '99, p. 343, Sec. 6.]

JUVENILE DISORDERLY PERSON—COMMITMENT—TERM—EXPENSE.

Section 7. Whenever a child shall be a juvenile disorderly person within the meaning of this act, the truant officer, or any school teacher, or other reputable person, may make complaint in the county court of the county in which such child resides. The county court shall hear and determine such complaint, and if it is determined that such child is a juvenile disorderly person within the meaning of this act, he or she shall be committed to a children's home, if eligible, or to the Boy's Industrial School or to the Girl's Industrial School, or to some other training school, taking into account the years of the child with reference to the institution selected. Any child committed to a children's home, on its being shown to the judge of said court that it is in-

corrigible and vicious, may be transferred to the Industrial school or other proper institution. No child committed to any reformatory shall be detained beyond its majority, and may be discharged sooner or paroled by the trustees or board of control under rules and restrictions applicable to other inmates. Any order of commitment may be suspended by the judge of the county court during such time as the child may regularly attend school and properly conduct itself. The expense of transportation of the child to the juvenile reformatory, and of the costs of the case in which the order of commitment is made, shall be paid by the county from which the child is committed. [L. '99, p. 344, Sec. 7, amended L. '03, p. 420, Sec. 3.]

CHILD UNABLE TO ATTEND SCHOOL—RELIEF.

Section 8. When any truant officer is satisfied that any child within the requirements of this act is unable to attend school because required to work at home or elsewhere in order to support itself or help or support others legally entitled to its services, the truant officer shall report the case to the authorities charged with the relief of the poor, who shall thereupon afford such relief as will enable the child to attend school; Provided, That such child shall not be required to attend more than three hours a day during school days. In case the child or its parents or guardians neglect or refuse to take advantage of such provision made for its instruction, such child may be committed to a children's home or juvenile reformatory as hereinbefore provided. [L. '99, p. 344, Sec. 8.]

VIOLATION—PENALTY.

Section 9. Any person who violates any provision of this act for which a penalty is not herein provided, shall be fined not more than fifty dollars. [L. '99, p. 345, Sec. 9.]

SECOND CONVICTION—PENALTY—TRIAL BY JURY.

Section 10. Every person who, after having been convicted once of violating any of the provisions of this act shall be convicted a second time of a similar offense, may, in addition to the punishment by way of fine elsewhere provided for, be imprisoned not less than 10 days nor more than 30 days; Provided, That in all cases arising under this act in which a fine or imprisonment may be a part of the judgment, trial shall be by a jury if not waived. [L. '99, p. 345, Sec. 10.]

NOT APPLY TO DISTRICTS WITHOUT ACCOMMODATIONS.

Section 11. This shall not apply to school districts in which there are not sufficient accommodations in the public schools to seat children compelled to attend under the provisions of this act. [L. '99, p. 345, Sec. 11.]

PARENTAL SCHOOL LAW.

In January, 1901, the legislature passed an elaborate parental or truant school law. At the same time the present probation system of the juvenile court was established with the result that the parental school was no longer a necessity and until it becomes necessary with an increased population the law will, in all probability, not be put in operation.

COLORADO ADULT DEPENDENT LAW.

The present adult dependent law consists of what is known as the "non-support act," which requires fathers to support their minor children under penalty of being sent to jail for a period of ninety days to one year, unless they give a bond provided by this act, with good and sufficient sureties, to support their minor children whom they may have been convicted of neglecting.

The act printed herewith is considered an improvement in the present law, and is now pending in the present legislature (January, 1905), and will no doubt pass that body, as it has received practically the unanimous approval of the County Judges' Association and all associations in Colorado interested in child saving.

AN ACT CONCERNING PARENTS OR OTHER PERSONS RESPONSIBLE FOR OR CONTRIBUTING TO THE DEPENDENCY OR NEGLECT OF CHILDREN, AND PROVIDING FOR THEIR PUNISHMENT.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. In all cases where any child shall be a dependent or neglected child, as defined by the statutes of this State, the parent or parents, or other persons responsible for or by any act causing, encouraging or contributing to such dependency or neglect, shall be guilty of a misdemeanor, and, upon trial and conviction thereof, shall be fined in a

sum not to exceed one thousand (1,000) dollars, or imprisoned in the county jail for a period not to exceed one (1) year, or by both such fine and imprisonment. The county courts (juvenile courts) shall have jurisdiction of all cases coming within the provisions of this act.

Section 2. The court may suspend any sentence hereunder, or release any person sentenced under this act from custody upon condition that such person shall furnish a good and sufficient bond or undertaking to the people of the State of Colorado in such penal sum, not exceeding two thousand dollars, as the court shall determine, conditioned for the payment of such amount as the court may order, not exceeding twenty-five (25) dollars per month for each child, for the support, care and maintenance of such child while under the guardianship or in the custody of any individual or any public, private or state home, institution, association or orphanage to which the child may have been committed or entrusted under the provisions of the laws of this state concerning dependent and neglected children.

Section 3. The court may also suspend any sentence imposed under this act, and may permit any dependent child to remain in the custody of any such person found guilty upon conditions to be prescribed or imposed by the court as seem most calculated to remove the cause of such dependence or neglect, and while such conditions are accepted and complied with by any such person such sentence may remain suspended, and such persons shall be considered on probation in said court; in case a bond is given as provided herein, the conditions prescribed by the court may be made a part of the terms and conditions of such bond.

Section 4. Upon the failure of any such person to comply with the terms and conditions of such bond, or of the conditions imposed by the court, such bond or the term of probation may be declared forfeited and terminated by the court, and the original sentence executed as though it had never been suspended, and the term of any jail sentence imposed in any such case shall commence from the date of the incarceration of any such person after the forfeiture of such bond or term of probation. There shall be deducted from any such period of incarceration any part of such sentence which may have already been served.

Section 5. It shall not be necessary to bring a separate suit to recover the penalty of any such bond so forfeited, but the court may cause a citation to issue to the surety or sureties thereon requiring that he or they appear at a

time named therein by the Court, which time shall be not less than ten nor more than twenty days from the issuance thereof, and show cause, if any there be, why judgment should not be entered for the penalty of such bond and execution issue for the amount thereof against the property of the surety or sureties thereon, as in civil cases, and upon failure to appear or failure to show any such sufficient cause the court shall enter such judgment in behalf of the people of the State of Colorado against such surety or sureties. Any moneys collected or paid upon any such execution or in any case upon said bond shall be turned over to the County Treasurer of the county in which such bond is given, to be applied to the care and maintenance of the child or children for whose dependency such conviction was had, in such manner and upon such terms as the County Court may direct, provided that if it shall not be necessary in the opinion of the court to use such fund or any part thereof for the support and maintenance of such child, the same shall be paid into the County Treasury and become a part of the funds of such county.

Section 6. Nothing in this act shall be construed to repeal any act providing for the support by fathers of their minor children or any part of the acts concerning delinquent children or persons contributing thereto; and nothing in said acts shall prevent proceedings under this act in any proper case. All other acts or parts of acts inconsistent herewith are hereby repealed.

Section 7. In the opinion of the general assembly an emergency exists; therefore this act shall be in force from and after its passage.

THE JUVENILE DEPENDENT LAW.

The present law relating to the care of dependent and neglected children was passed in 1895 and is a very satisfactory act, but in addition to this act, which established the state home for dependent children, providing state agents for the care and placing of dependent children, the following bill has been introduced in the present legislature and has received the practical unanimous support of the County Judges' Association and all other associations in Colorado interested in child saving, and will in all probability become a law.

AN ACT CONCERNING DEPENDENT AND NEGLECTED CHILDREN.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. For the purposes of this act the words "dependent child" or "neglected child" shall mean any child under 16 years of age who is dependent upon the public for support, or who is destitute, homeless or abandoned; or who has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame, or with any vicious or disreputable persons; or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child; or whose environment is such as to warrant the state, in the interest of the child, in assuming its guardianship. Any child within the provisions of this act whose parents or guardian permits it to use or become addicted to the use of tobacco, or spirituous or intoxicating liquors as a beverage, and not for medicinal purposes, or whose parent or guardian rears, keeps, or permits it in or about any saloon, or place where spirituous or intoxicated liquors are sold, or any gambling house, or place where gambling is practiced or carried on, or any house of ill-fame or ill-repute, shall be deemed to be without proper parental care or guardianship.

Section 2. The county courts (juvenile courts) in the several counties in this state shall have original jurisdiction in all cases coming within the terms of this act. In all trials under this act any person interested therein may demand a jury of six, or the judge of his own motion may order a jury of the same number to try the case. Unless such jury is demanded it shall be deemed to be waived. Any person interested in any case under this act shall have the right to appear therein and to be represented by counsel. All cases within the provisions of this Act shall be known as juvenile cases in the juvenile court.

Section 3. Any officer of the State Board of Child and Animal Protection or the juvenile court, or any person who is a resident of the county, having knowledge of a child in his county who appears to be a dependent or neglected child, may file with the clerk of the county court (juvenile court) a petition in writing, setting forth the facts which constitute the child dependent or neglected, which petition shall be verified by the affidavit of the petitioner. It shall be sufficient

if the affidavit is upon information and belief. The court may on its own motion, or on the application of any person interested, require that such petitioner set forth any additional information as to the parentage or relatives of such child, or the causes of its dependency, as to the court may seem necessary or proper to the ends of justice or the proper disposition of any such case; provided, however, that when any such child within the provisions of this act is in immediate or apparent danger of violence or serious injury, or it is about to be removed from the jurisdiction of the court for the purpose of evading proceedings under this act for its protection, any officer of the State Board of Child and Animal Protection, or any sheriff, probation or police officer, may take immediate custody of such child without any process whatever; but in any such case it shall be the duty of such officer within forty-eight (48) hours thereafter to file a petition and proceed as herein provided for. In any such case the court may provide for the temporary care and custody of such child pending the final hearing and disposition of such case.

Section 4. Upon the filing of such petition, if it shall appear that one or both of said parents, or guardian, if there be no parent, reside in said county, the judge of said court shall issue a citation, fixing the day and time for the hearing of such petition, which shall be served on one or both of said parents or guardian, if any, if either can be found in said county, not less than two days before the time fixed for said hearing, requiring them to appear on said day and hour and show cause, if any, why said child should not be declared by said court to be a dependent or neglected child and sent to the state home for dependent and neglected children, or otherwise cared for. In case it shall appear by such petition that neither of said parents are living or do not reside in said county, or in case one or both of said parents, or guardian, in case there be no parents, shall endorse on the said petition a request that the child be declared to be a dependent child, then the citation herein provided for need not be issued, and the court may thereupon proceed to the examination and hearing provided for. It shall be the duty of the officer receiving such citation to use diligence to find and serve the same on one or both of said parents or guardian who shall represent such child in court; and in case there is neither of these found, then the court shall appoint some probation officer, humane society officer or resident taxpayer of said county to represent said child in court.

In case one or both parents of the child appear in court it shall be the duty of the county judge to explain to the one so appearing the effect of an order of court sending their child to the state home or declaring it to be a dependent child. In case any dependent child is taken away from its parent, parents or guardian under the provisions of this act such parent, parents or guardian shall thereafter have no rights over or to the custody, services or earnings of said child, except upon such condition, in the interest of such child as the court may impose, or where upon proper proceedings such child may be lawfully restored to the parents or guardian.

Section 5. That on such hearing or examination, the child shall be brought before said court, whereupon it shall be the duty of said court to investigate the facts and ascertain whether said child is a dependent child, its residence, and as far as possible the whereabouts of the parents, guardian or nearest adult relatives; when and how long the child has been maintained, in whole or in part, by public or private charity; the occupation of the parents, if living; whether they are supported by the public or have abandoned the child; and to ascertain as far as possible, if the child is found dependent, the causes thereof. The court may compel the attendance of witnesses on such examination; and it shall be the duty of the county attorney or district attorney of the county, when requested by the court to appear in any such examination in behalf of the petition. It shall be the duty of the county attorney of such county, upon the request of the court or any petitioner, to file petitions and conduct the necessary proceedings in any case within the terms of this act. Any friend of the child may appear in its behalf.

Section 6. Upon the hearing in such case, if the said child shall be found to come within any of the provisions of section 1 of this act, it shall be deemed a dependent child, and an order may be entered committing it to the state home for dependent and neglected children; and if said home is unable to receive said child, or if for any other reason it shall appear to the best interests of said child, the court shall make such disposition of said child as seems best for its moral and physical welfare.

Section 7. Any dependent child committed to the state home for dependent and neglected children shall as to its care and disposition by said home be subject to the provisions of the act approved April 10th, 1895, or any amendment

thereto, establishing said home for dependent and neglected children. This act shall also be subjected to the right of the State Bureau of Child and Animal Protection to be appointed guardian of any child neglected or cruelly treated as now or hereafter provided by the laws of this state.

Section 8. In any case where the court shall award any dependent child to the care of any association or individual, in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall by and with the consent of the court have authority to place such child in a suitable family home, with or without indenture, and may by attorney or agent appear in any court where adoption proceedings are pending and assent to its adoption. Such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. The guardianship provided for herein shall not include the guardianship of any estate of the child. Any association or individual receiving the care, custody and guardianship of any such child shall be subject to visitation or inspection by the State Board of Charities and Corrections, or any probation officer of said court, or any person appointed by the court for such purpose, and the court may at any time require from such association or person a report or reports containing such information or statements as the judge shall deem proper or necessary to be fully advised as to the care, maintenance, moral and physical training of the child, as well as the standing and ability of such association or individual to care for such child. The court may change the guardianship of such child if at any time it is made to appear to the court that the same is detrimental to the child or unsatisfactory to the court. In providing guardianship under the terms of this act for any dependent child the court may, as far as practicable, provide such guardianship as conforms to the religious faith of the parents of the child. If in the opinion of the court the causes of the dependency of any child may be removed under such conditions or supervision for its care, protection and maintenance as may be imposed by the court, so long as it shall be for its best interests, the child may be permitted to remain in its own home and under the care and control of its own parent, parents or guardian, subject to the jurisdiction and direction of the court, the conditions imposed, and the reasonable visitation of the probation or other officers when necessary, and when it shall appear to the court that it is no

longer to the interest of such child to remain with such parent, parents or guardian the court may proceed to the final disposition of the case.

Section 9. This act shall be liberally construed to the end that its purpose may be carried out, to-wit: that proper guardianship may be provided for in order that the child may be educated and cared for, as far as practicable, in such manner as best subserves its moral and physical welfare, and as far as practicable in proper cases that the parent, parents or guardian of such children may be compelled to perform their moral and legal duty in the interest of the child.

Section 10. Nothing herein shall be construed to repeal any part of the acts concerning delinquent children or persons contributing thereto; and nothing in said acts shall prevent proceedings under this act in any proper case. All other acts or parts of acts inconsistent herewith are hereby repealed.

Section 11. In the opinion of the General Assembly an emergency exists, therefore this act shall be in force from and after its passage.

LAWS CONCERNING THE POWERS AND APPOINTMENT OF PROBATION OFFICERS IN COLORADO.

The experience of the Juvenile Court of Denver for four years has convinced its officers that the work could be greatly facilitated and assisted if the probation officers had the power to file complaints against parents, instead of being compelled, as at present, to wait upon the district attorney or his deputy to take such action, and when there is often delay and difficulty. It has always been found that a paid probation officer in each county can render a service to the county by the work to be done under these laws, which is economy to the state in saving citizenship as well as money, as will be fully demonstrated to anyone who will read the chapter on "Expense" and "Results," in the booklet called "The Problem of the Children," and the appointment of such officers and powers conferred upon them, where necessary, is more than justifiable. The bills proposed as a result of our experience for the past four years in this respect are needed and will in all probability become laws at the present legislature (January, 1905). The principal laws relate to powers of probation officers and their appointment.

AN ACT TO CONFER UPON PROBATION OFFICERS POWER AND AUTHORITY TO FILE COMPLAINTS OR INFORMATIONS AND TO CONDUCT PROCEEDINGS IN COURTS AGAINST PARENTS OR OTHER PERSONS WHO MAY VIOLATE ANY LAW OR LAWS OF THIS STATE INTENDED FOR THE CARE, CORRECTION OR PROTECTION OF CHILDREN OR MINORS.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. Probation officers in their respective counties, appointed by the county court; as provided for by the laws of this state, concerning delinquent children, are hereby vested with all the power and authority of district attorneys of such state to file complaints or informations and to prosecute and conduct proceedings, and in all respects to represent the people in like manner and with like effect as district attorneys, in all cases against any parent, guardian, or other person who may violate any law or laws of this state intended for the care, education, correction or protection of children or minors, or which may provide for the punishment of any person or persons who may be responsible for or by any act cause, encourage or contribute to the delinquency, dependency or neglect of any child or children.

Section 2. It shall be the duty of any district attorney, when requested so to do by the court in which any such complaint or information is filed, to appear with or for such probation officer on behalf of the people, for the purpose of conducting any hearing or trial of any such case, and when so requested he shall represent, prosecute and conduct such case in the same manner and with like power and effect as though the complaint or information was originally filed by the district attorney of the county, provided that when such district attorney shall so appear, he shall be entitled to charge and receive from the county the same fees which he would have been entitled by law to receive in case such complaint or information had been originally filed by him.

Section 3. Nothing herein shall be construed to change or modify the right of district attorneys to also file such complaints or informations in all such cases; provided that in any case where such complaint or information has been first filed by such probation officer no other complaint or information shall be filed until the one so filed by such probation officer has been first heard or disposed of by the court.

AN ACT CONCERNING THE SUPPORT BY
PARENTS OR OTHERS OF CHILDREN COM-
MITTED TO THE CARE OR CUSTODY OF
STATE OR OTHER INSTITUTIONS OR PER-
SONS.

*Be it enacted by the General Assembly of the State of Colo-
rado:*

Section 1. The commitment of any child, under any laws of this state, to any state or other institution or perso shall not relieve the parents or legal guardian of such child from responsibility for the support of such child. It shall be the duty of any court committing any child to any state institution, or any private institution, where such child is kept at the expense of the county or state, at the time of such commitment, to forthwith notify the district attorney if a state expense, and the county attorney if a county expense, of the name and address of such parent or parents, and such other information as may be adduced at any hearing of such case, concerning the financial responsibility of such parent or parents to care for such child, and in order to obtain such information any court committing any such child, at the time of such commitment, is authorized and empowered to require the attendance of such parent, parents or legal guardian, upon such court, or at any convenient time to be designated by the court, to be examined under oath concerning their property, possessions and financial responsibility, and upon the failure of any such person to attend upon such court, as required by this act, they may be adjudged guilty of contempt of court and proceeded against as in other cases of contempt.

Section 2. The state of Colorado, or the county, as the case may be, at whose expense such child is kept, shall be entitled to recover from such parent, parents or legal guardian, or other person responsible for the support of such child, such sum for the care, support and maintenance of such child as may be reasonable therefor, and in no case shall such sum be less than the per capita monthly or yearly amount of such expense in the institution in which the child is confined, or actual expense incurred by the state or county, as the case may be, for the care and maintenance of such child. Any such action or proceedings by the state or county against any such parent shall be conducted in accordance with the procedure in civil cases: provided, that in case any such action or proceedings be maintained by the state the same shall be

brought in the name of the people of the state of Colorado, and any moneys recovered in any such action shall be paid to the state treasurer and credited to the particular fund for the benefit of the institution having the custody and care of such child. If such action is maintained by the county in such cases where the county pays the expense of the care and maintenance of such child, such action shall be in the name of the board of county commissioners of such county, or other body performing the functions of a board of county commissioners, and any amount collected in any such action shall be paid to the county treasurer of such county. When such action shall be prosecuted to final judgment, and such judgment rendered in any such cause, in favor of the people of the state of Colorado, or the board of county commissioners of the county prosecuting such action, as the case may be, an execution may issue against the property of the defendant, as in other civil cases.

Section 3. On or before the first day of December of each year it shall be the duty of the district attorney and the county attorneys respectively to make a written report to the governor of the state, stating the numbers of reports provided for herein, received from the courts of the county or state, and the nature and result of any action directed herein by such officers respectively to recover from such parents the expenses of the care and maintenance of such children. In case no such action has been taken, such report shall detail the reason for the failure of such officer to take such action. It shall be the duty of the state treasurer, upon the order of the district attorneys bringing such actions in their respective districts, to pay out of any state fund not otherwise appropriated any costs or expenses necessary for the prosecution of any such suit provided for herein. It shall also be the duty of the county commissioners to pay any court costs of other expenses necessary for the prosecution of any suit provided for herein, brought by the county attorney. Nothing in this act shall be construed to repeal any law of this state concerning the responsibility of parents to support their children, or providing for the punishment of parents or other persons responsible for, causing, encouraging or contributing to the delinquency or dependency of children; or providing for the punishment of any parent or parents for the non-support of their children, and nothing in such acts shall prevent proceedings under this act in any proper case.

Section 4. Whereas, in the opinion of the General Assembly, an emergency exists; therefore, this act shall be in force from and after its passage.

AN ACT CONCERNING PROBATION OFFICERS
AND PROVIDING FOR THEIR APPOINTMENT.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. In all counties of this state having a population of less than fifteen thousand where in the opinion of the county court and the county commissioners it shall be necessary to provide for compensation for a probation officer to carry out the provisions of the law concerning delinquent children, the county judge is authorized and empowered to appoint one probation officer, if deemed necessary, at such compensation, to be paid by the county, as shall be agreed upon by said court and the county commissioners.

Section 2. In counties of over fifteen thousand population, according to the latest federal census, the county judge, if deemed necessary by him to carry out the provisions of the law concerning delinquent children, is authorized to appoint not to exceed one, and if considered necessary by the county commissioners, not to exceed two probation officers, at the compensation provided by law, to be paid by the county for probation officers in counties of over one hundred thousand population; provided, that any such appointment shall be submitted to the State Board of Charities and Corrections, and such appointee approved by said board as a qualified and proper person to discharge the duties of such office; and it shall be the duty of said board to approve or disapprove of such appointees within thirty days after submission thereof in writing by the county court, and a failure to act thereon in such time shall constitute an approval of such appointment.

Section 3. In counties of over one hundred thousand population the county court shall have power and authority to appoint two additional probation officers, upon the same terms, and at the same compensation for such officers as now provided by the law concerning delinquent children. In case there shall be two judges of any county court and they cannot agree upon the appointment of any probation officer provided for by law, the judge thereof who is the senior in time and length of service shall make such appointments.

Probation officers provided for by this act shall have all the powers and perform all the duties prescribed for such officers by the laws of this state.

Section 2. Whereas, in the opinion of the General Assembly an emergency exists, this law shall be in force from and after its passage.

ANTI-TOBACCO AND CIGARETTE LAWS.

By the session laws of 1891 the sale of cigarettes and tobacco is forbidden to any child under 16 years of age. During the past year this law has been enforced in Denver, and several business men have been sent to jail for periods of from three to fifteen days for its violation. The boys in the Juvenile court have been very prompt to report any violations of this law. The fact of sending several business men to jail for varying periods, one or two of which business men are fairly prominent in the community, has had the effect of almost entirely preventing the sale of cigarettes or tobacco to children. The Juvenile court, however, has presented the following bill to the present legislature, further restricting the sale of tobacco or cigarettes to children by raising the age from 16 to 18 years:

AN ACT TO PROHIBIT THE SALE OR GIFT OF TOBACCO OR TOBACCO PAPER TO CHILDREN UNDER EIGHTEEN YEARS OF AGE, AND PROVIDING FOR THE PUNISHMENT OF PERSONS VIOLATING THIS ACT.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. Any person who shall sell, give or furnish any tobacco or any article made in whole or in part of tobacco, or any paper commonly known as cigarette paper, or intended for use in the smoking of tobacco, to any child under eighteen years of age shall be guilty of a misdemeanor, and upon conviction shall be punished by fine in a sum not less than five dollars, nor more than one hundred dollars, or imprisoned in the county jail not more than three months, or by both such fine and imprisonment.

PROBATION OF MINORS BETWEEN 16 AND 21.

AN ACT TO CONFER ORIGINAL JURISDICTION
UPON COUNTY COURTS IN ALL CRIMINAL
CASES AGAINST MINORS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Original jurisdiction is hereby conferred upon the county courts in each of the several counties of this state in all criminal cases where, at the time of the filing of the information, the accused shall be a minor; and such courts shall hereafter be empowered to try such cases upon information filed by the district attorney of the judicial district in which such counties are situated.

Section 2. Petit juries, for the trial of such cases, shall be drawn and selected in the same manner as is now provided by law for the selection of such juries in the county courts of the state for trial of misdemeanor cases prosecuted in such courts.

Section 3. In all criminal cases in the county courts against minors the accused shall have the right to waive the right of trial by jury; Provided, however, That the judge of the court may, in all cases where a jury trial is waived, call a jury to try such case notwithstanding such waiver.

Section 4. All proceedings upon information in the county courts, after the same are filed, except as herein otherwise provided, shall be the same as though such proceedings had been commenced in the district court.

Section 5. The district attorney of the proper judicial district in which such county shall be located shall be prosecuting attorney in such county courts, and shall exercise the same powers, perform the same duties, and receive the same compensation for his services therein to be paid in the same manner as provided for by law for similar services in the district court.

Section 6. Nothing in this act shall be construed to prohibit the indictment by grand jury and trial in the district court of any person charged with a crime, whether misdemeanor or felony, against whom prosecution has not been commenced in the county court.

Section 7. The accused in any criminal case brought in the county court under this act shall have the right, at any time after the filing of the information and before plea has been actually made to the same, to file his application in

writing in the county court, asking that said cause be transferred to the district court of the judicial district in which such county may be situated, whereupon it shall be the duty of the county court to transmit, or cause to be transmitted the information and all other papers in said cause to such district court of such county with all convenient speed, when it shall be the duty of the district attorney and said district court to proceed with the disposition and trial of such cause as though originally brought in said district court.

Section 8. No appeal shall be taken from any judgment or decision of any county court, in any case prosecuted therein under the provisions of this act, to any district court; but writs of error shall lie from the supreme court as to such final judgments, and shall be prosecuted and disposed of in the same manner as writs of error to final judgments of the district court in criminal cases.

Section 9. All minors found guilty in the county court of any violation of any law of this state, or of any crime may be subjected by such court to any of the terms and conditions of the probation system provided for in cases of delinquent children by the statute of this state, if in the opinion of the judge of such court, it may be wise or proper, subject, however, to the provisions and limitations of this act.

Section 10. When any minor above the age of sixteen (16) years shall be found guilty in the county court of a violation of any law of this state, or any crime, after pronouncing sentence, the judge may stay the execution of the sentence, conditioned upon the good behavior and satisfactory conduct of such minor under such conditions as the court may prescribe. If at any time during the stay of execution of the sentence it shall be made to appear to the satisfaction of the court that the sentence ought to be enforced, the court shall have the power to revoke the stay of execution and enforce the sentence immediately, and the term of such sentence shall commence from the date upon which the same is ordered to be enforced. No such execution shall be stayed to exceed a period of two years, and if at the expiration of the stay of execution, or at such time prior thereto as the court may deem proper, it shall appear to the satisfaction of the court that such person has complied faithfully with the conditions of his probation, the court may suspend such sentence absolutely, in which case such person shall be relieved therefrom.

Section 11. Each person released upon probation as aforesaid shall be furnished by the court with a written state-

ment of the terms and conditions of his release. Each probation officer shall keep full records of all cases investigated by him and of all cases placed in his care by the court and of any other duties performed by him under this act.

Section 12 In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be force from and after its passage. (In force April, 1903.)

A WORD AS TO THE PREPARATION OF JUVENILE LAWS FOR OTHER STATES.

Care should be taken that no particular juvenile law of another state is adopted bodily, due regard should be had to the constitution of the state adopting such laws, and that they are not in conflict with the particular judicial system. Illinois and Colorado having substantially the same constitution and code can well copy after each other. There must be taken into consideration the laws at the present time upon the statute books of the particular states. The child saving societies and their conduct, duties, rights and functions in many of the state have been guaranteed by statutes and are generally conceded by long established customs. Such matters may be harmonized and consistently preserved. Very much of what is known as the "juvenile laws" will all be found to exist in various states, covering probably a long term of years, as the principles of the juvenile law, with one or two exceptions, are already established and have been recognized for hundreds of years, and are generally enforceable in the chancery courts, representing as they do the state in its relation as *parens patriae* in dealing with every aspect of a situation concerning the welfare of a child, either as to its moral or physical welfare, without regard to any statute at all. The Juvenile court of Denver was established under the law of April 12th, 1899, and with very little law we have been doing for four years what is now all guaranteed by a more express and definite statute. In fact, most of such statutes are simply an effort to simplify the methods of procedure in carrying out well recognized principles, and the most practical and important new feature is the enforcement of the legal responsibility upon the parents and the home for the *moral* as well as the *physical* welfare of the child, and the establishment of a practical and effectual system of probation, in order to carry out these principles generally recognized in every state, but for the practical application of which there is much difficulty because of the lack of system or no ways and means provided and the gen-

eral crudeness of the laws in this respect. Many states have laws forbidding the incarceration of children in jails, yet they are frequently put in jail in the cities of such states, so that the mere recognition of these principles without the practical methods of putting them into effect and operation, as the so-called juvenile laws are attempting to do, was almost entirely abortive. A special court for children's cases is believed to be justifiable only in very large cities, and if created it should have general common law powers and jurisdiction in order to handle the parent cases. It is believed to be better to designate some court already existing, having unlimited jurisdiction, as the "Juvenile Court," and set aside special days for children's cases.

The statutes of each state in this respect will depend in a measure upon the particular or peculiar problems of the different states as presented by the size and character of their cities, the kind of courts established by general law, etc., so that, with the general principles in mind, with the experience of others, and the benefit of their successes, mistakes and failures, each state and each city attempting to establish the juvenile system must necessarily work out its own problem in its own way. This cannot be done in a month or a year, or even several years. The work should be kept up and the effort made to achieve success as near as possible. The juvenile court is not a cure-all and is only one of a large number of factors which go to make up the preventative measures in dealing with the problem of crime. We fail to correct some boys in probation, but do not forget we failed with the jail and criminal court, only we failed oftener, and generally in the failure made not only a worse criminal but more criminals. The test of its success is sufficient if it be shown that the juvenile court is superior to the old methods and is more in accord with the most enlightened ideas as to the best method of correcting or preventing children offenders, therefore adult criminals.

The two Colorado acts concerning delinquent children and their parents, and the two acts dealing with delinquent children and their parents, might have been embodied in *one* bill, but it was considered a precautionary measure to make of them separate acts to avoid any possible claim of violating the Colorado constitutional provision forbidding more than one subject in the title of an act, and requiring the contents to be germane to the subject in each legislative bill. If all the bills were embodied in one act, it is believed it would be legal, but as prepared such questions cannot be raised.

THE PROBATION SYSTEM OF THE JUVENILE COURT OF DENVER.

The methods of the juvenile court and the Colorado laws are best described in the booklet "The Problem of the Children," in the chapter upon the "Administrative Work." The officers of the court work in conjunction with the schools and the Humane Society, which is also the Society for the Prevention of Cruelty to Children. All these powers and influences, including the district attorney's office, and at the present time the police department and sheriff's office and special officers of the railroad companies in Denver, all work together and in perfect harmony, which is an important item in obtaining the best results under the juvenile laws for the prevention of dependency and delinquency.

There is neither the brutality of jail methods on the one hand, or the leniency of "pat him on the back with a fatherly talk and let him go" on the other. Both are inefficient. The new method is rather educational and methodical.

If a boy on probation should fail to show up at school or work, by our system it would be known at once and would be telephoned to the probation officer, who is almost constantly at her desk during office hours, hearing complaints and directing the work in the office of the probation department of the juvenile court. Of course, discretion is used in notifying headquarters in such a case only where it is seriously suspected that there is no good excuse or notice given, as one object of the court is to relieve the child of feeling it is being watched or under surveillance. This system of trust is carried to the extent of sending substantially all boys to the State Industrial school alone, without the slightest surveillance, and often to the Detention House. None have failed to go so far. If they did the chances are they would be caught and started out again alone.

A list for private circulation among the principals of the schools in Denver is printed fortnightly, arranged alphabetically under the name of each school having probationers, so that the boys on probation are known to the principal of each school, and it is the duty and desire of the principals and teachers in the schools to tactfully devote special attention and help the work in dealing with the particular boy. If it is only a "mischievous case," such special attention may be entirely unnecessary. The school boys report to the Juvenile Court Improvement Association every two weeks, when the Judge delivers a Saturday morning talk, upon some topic as a rule, and always takes up the reports of the boys

from the schools, showing their conduct and attendance. Special cases report at 5 p. m. through the week days, when they invariably see the Judge, and working boys at night. At these meetings the boys who bring good reports (as ninety per cent of them usually do) are encouraged and stimulated; and those who bring poor reports are dealt with much as described in the booklet "The Problem of the Children," and in an article published in "Charities" (January, 1905), of New York city, prepared by Judge Lindsey of the Juvenile court of Denver. There are no rules as to time of probation. It may be four months or four years. It depends on the case and a great many things. The motto of the Juvenile court is to overcome evil with good. We despise the evil in him, but we are interested in him for *he* is not bad. How well this is done is determined by the reports from the schools, furnished by the teachers, and from the neighborhood, furnished by the probation officers and parents, as well as the reports of the child itself. Only a reading of "The Problem of the Children," and other literature on the subject, can give a full explanation of the methods employed. Every possible effort is made to correct a child in the home by as perfect a probation system, supervision and direction as can be devised, upon which is brought to bear the work of the home, parents, school, sometimes the church, and the probation officers, including the judge of the court,, without the necessity of committing it to an institution, and in this way only, children who should be in institutions are committed. Most cases are tried "in chambers," and the best work is done there in connection with trials. One of the three probation officers provided by the city of Denver is constantly in the office, while the other two are constantly on the go, investigating all kinds of cases in the city affecting children, and looking after those children who have been brought to the court under the system devised.

The city of Denver has two school attendance officers, appointed by the school board under the compulsory education act. These officers are factory inspectors, and they are active in the enforcement of the school law. One of the school attendance officers is a lady, as is also one of the probation officers.

A part of the work of the probation department is obtaining work for boys of working age, and relieving needy children. Much of this work is done through the Juvenile Improvement Association, which is an auxiliary body to the

Juvenile court. In short, the "Administrative Work" of the Juvenile court is intended to supply in the home if possible what was formerly only supplied by a state institution, to bring about the correction or proper formation of the character of the child, and each city or town bearing this idea in view must work out its own system much according to its own peculiar conditions, which often differ in different cities.

NATIONAL COMMITTEE ON JUVENILE COURTS.

The National Conference of Charities and Corrections, which met at Portland, Maine, in June, 1904, appointed a national committee upon juvenile courts and probation as a sub-committee to the general committee upon children. The chairman of the committee has issued the following circular:

"The National Conference of Charities and Corrections at its annual convention at Portland, Maine, in June, 1904, appointed a national committee on 'Juvenile Courts and Probation' (being a special sub-committee of the general committee on 'Children'). The committee consists of the judge of the Juvenile court of Denver, chairman, and Charles W. Birtwell, Boston, Mass.; Mrs. Helen Ladd Corbitt, Portland, Ore.; Miss Lucy F. Friday, Baltimore, Md.; W. A. Greenlund, Cleveland, Ohio; Hon. Chas. W. Heusler, Baltimore, Md.; Mrs. F. J. Howe, Chicago, Ill.; Hon. T. D. Hurley, Chicago, Ill.; Miss Minnie F. Jacobs, Chicago, Ill.; John McMannaman, Chicago, Ill.; Mrs. Alice B. Montgomery, Pittsburg, Pa.; Miss Londa L. Stebbins, probation officer, San Francisco, Cal.; Hon. George W. Stubbs, Indianapolis, Ind.; Hon. Robert J. Wilkins, Brooklyn, N. Y.

"Among the important purposes of the committee is to urge the adoption of juvenile court laws for all the states, to be uniform in principle and application, as far as practicable.

"To bring about a practical, sensible and sane method of administrative work through the agencies of such courts in the correction of children offenders, avoiding the dangers of leniency on the one hand and brutality on the other.

"Some of the special features to be urged are:

"Laws holding parents and others to a rigid, legal accountability for the moral delinquencies of children.

"Colorado is the first state so far to have such a general law, and after nearly two years of active enforcement it has proved eminently practical and satisfactory, and is consid-

ered the most important feature of the juvenile laws of that state.

"To establish detention homes or schools in place of the jail for children offenders.

"To encourage personal, practical, active work and earnest interest to bring about correction, as far as possible, through aid, help, encouragement, proper firmness and assistance, rather than punishment, fear, hate and degradation.

"The aid and encouragement of the press has been, and is a most powerful factor in the accomplishment of these purposes, and as an effort will be made in many states the coming winter (1905) to pass such laws, we hope to have the support of the press.

"The problem of the children is the problem of the state, and certainly of as much importance as the political questions of tariff or money, and unquestionably closer to the hearts and homes of the American people. Hon T. D. Hurley, editor *Juvenile Court Record* of Chicago, and secretary of the committee, has kindly consented to answer inquiries of those interested.

"BEN B. LINDSEY,

*"Chairman Committee on Juvenile Courts and Probation,
Denver, Colo.*

T. D. HURLEY,

*"Secretary Committee on Juvenile Courts and Probation,
625 Unity Bldg., Chicago, Ill."*

Juvenile Court Blanks

COMPLAINT BY PROBATION OFFICER.

IN THE JUVENILE COURT.

In the County Court of the City and County of Denver.

State of Colorado, City and County of Denver, ss.

*In the matter of the People in the interest of.....
A Child sixteen years of age or under, complained of
as a Juvenile Delinquent.*

The complaint of
probation officer within and for said County, who, being first
duly sworn, on oath says, that he now is and at all times men-
tioned herein has been a probation officer in the City and
County of Denver, in the State of Colorado; and that.....

.....
on the day of..... A. D. 190.,
at said City and County of Denver, then and there, being
a child sixteen years of age or under and not then being an
inmate of a state institution, or any institution incorporated
under the laws of the State of Colorado, for the care and cor-
rection of delinquent children, did unlawfully.

.....
whereby and by force of the statute in such case made and
provided, the said child is deemed a juvenile delinquent per-
son. He therefore prays that the said child may be corrected
or cared for according to law.

.....
Subscribed and sworn to before me this.....
day of..... A. D. 190....

NOTICE TO PARENTS, RELATIVES OR GUARD-
IANS.

State of Colorado, City and County of Denver, ss.
In the County Court,

JUVENILE COURT.

In the matter of the People in the interest of.....

*A child sixteen years of age or under, complained of as
a Juvenile Delinquent.*

NOTICE.

To
Residing at.....

As the.....of the above named.....
a child sixteen years of age or under, proceeded against in
the above entitled cause as a delinquent child, demanding
the interposition of the Court in its behalf:

You are hereby notified that such proceedings have
been instituted in the Juvenile Court (also County Court)
of said County and State, and that said cause will be heard
at the session of said Court commencing at.....o'clock
.... M., on the.....day of.....A. D. 190....,
at the Court Room of said Court, at the Court House in
Denver, in said County, when and where you are requested
to be present.

The nature of the delinquency of said child as charged
is

.....
The purpose of such proceeding, in case of such delin-
quency, is to bring about the correction of said child by such
means as the Court shall direct, under the law.

Parents, guardians or others having the custody or
control of such child are expected to be present with it in
open Court, and the promise of such parent or guardian to
be responsible for its presence will be accepted in lieu of
its arrest or incarceration, unless it is otherwise ordered by
the Court. Where any such child fails to appear at the ses-
sion of Court, or any continuance thereof, designated for
the hearing of such case, the parent, guardian or other per-
son promising to be responsible for its appearance may be
proceeded against for contempt of Court, and punished ac-
cordingly, by fine or imprisonment, as the Court shall direct

(Laws of 1903, p. 178, Sec. 6). Serious consequences may be avoided by a compliance with this notice. Any excuse for failure to appear should be communicated to the Court before the date set for the hearing.

Witness my hand and the Seal of said Court, this..... day of.....A. D. 190.....

.....
Clerk of the Juvenile Court.

By.....
Deputy.

The above notice may be served by any probation officer or representative of the Sheriff.

ORDER FOR DETENTION OF JUVENILE.

State of Colorado, City and County of Denver, ss.
In the County Court,

THE JUVENILE COURT.

In the matter of the People in the interest of.....

.....
A child sixteen years of age or under, complained of as a Juvenile delinquent.

ORDER FOR DETENTION.

It appearing to the Court in the above entitled cause that it is necessary to insure the attendance at the Juvenile Court of said.....at such times as may be required, or otherwise secure its obedience to its orders, the Court has directed that the said child be held in the Detention School until otherwise ordered.

Witness my hand and the Seal of said Court, this..... day of.....A. D. 190.....

.....
Clerk of the Juvenile Court.

By.....
Deputy.

TEACHER'S REPORT DELIVERED TO JUVENILE COURT.

We respectively report to the Juvenile Court of Denver that the record of the probationers in this school for the two weeks ending is as follows:

Name	Age	Conduct	School Attendance
.....			
.....			
.....			
.....			
.....			Principal.

..... School
Date.....

PHYSICIAN'S REPORT OF JUVENILE EXAMINATIONS.

Name..... Age..... years. School Grade.....
 Constitution (feeble, fair or robust).....
 Born..... In Colorado:.....
 Temperment: (gloomy, restless or sluggish).....
 Right or Left handed.....
 Family history.....
 Previous history.....
 Present history.....
 Nervous system.....

SENSE DEFECTS—Sight.. Hearing.. Taste.. Smell..
 Tactile and Plain.. Muscular.. Thermic..

INTENSITY and DURATION OF ATTENTION.....

INSTINCTS—Hunger.... Self preservation.... Sleep...
 Voluntary movements, Play.. Sexual.. Imitation..

MORALS AND HABITS—Tidiness.. Destructiveness...
 Humanity.. Veracity.. Politeness.. Obedience..

SENTIMENTS—Pleasure and Pain.. Affection.. Fear..
 Anger.. Acquisitiveness.. Shame.. Curiosity and Astonishment..

LANGUAGE—Speech.. Reading.. Writing.. Gestures..
 Drawing..

INTELLECT—Ideas.. Memory.. Association of Ideas..
 Reason.. Judgment.. Will.. Arithmetic..

Heart and Blood Vessels.....
 Lungs, Throat and Mouth.....
 Genital Organs.....

DEFORMITIES.

Extremities
 Head
 Face
 Trunk

Denver, Colo.....190....

.....M. D.

TEACHER'S REPORT TO JUVENILE COURT.

(Delivered to Child.)

Denver, Colo..... 190..

School
Name in full
Age Grade
Department Attendance
Remarks
..... Teacher.

PRINCIPAL'S PETITION

Recommending Action in the Interest of Habitual Truants
and Delinquents.

Principal
Teacher
School
Date of Report

To be sent to the Juvenile Court.

1. Name of Child
 2. Address
 3. Sex:
 4. Age: (Give date and place of birth, if known.)
..... Years. Months
 5. Offense: (Habitual Truancy or Incurrigible Con-
duct.)
 6. Date of last Offense:
- Truant officers will assist Principals in obtaining any infor-
mation which may be lacking.*
- Principals will please fill out this blank in full, as the infor-
mation is essential in order to handle the case success-
fully. State the facts briefly.*
7. Name of Parent:
 8. Occupation of Parent:

9. Nationality of Parent:
10. Creed of Parents: (In order that the same may be respected in case commitment to an institution or finding a home is ever necessary.)
 Father Mother
11. Have Parents been indifferent about school attendance of child?
12. How often has the child been reported to Truant Officer? **LL**
13. Has the child ever been arrested, or taken into court as a delinquent?
14. Has the child ever been an inmate of any institution?
15. If so, which one?
16. Record of attendance at school:
17. Grade:
 Department in school: (Good or bad.)

CHARACTERISTICS.

This information is for the benefit of the Court and Probation Officials, to be used in an endeavor to assist the child.

Unruly or obedient? .. Stubborn or Yielding? .. Dull or bright? Lazy or energetic? .. Generous or selfish? .. Slovenly or neat? .. Ill-tempered or amiable? .. Untruthful or truthful? .. Best work is in .. Poorest work is in .. Has he ever been suspended? If so, when, and for what cause? ...

HISTORY OF CASE.

No child should be referred to the court until the Teacher and Principal have made very reasonable effort to effect a correction in school.

Remarks

And I therefore recommend that this child be referred to the Juvenile Court for proper action by the officials thereof.

....., *Principal*.....

PROBATION OFFICERS' REPORT.

TO THE JUVENILE COURT.

To the Honorable, Judge of the
Juvenile Court of the City and County of Denver:

The undersigned, a Probation Officer of this Court, re-
spectfully reports that on or about the day of
..... A. D. 190., one
a of about the age of years (Docket
No.) and residing with
at street, was placed
in my charge.

VISITS. (Give here number and times of visits so far
as practicable.)

PARENTS AND HOME SURROUNDINGS.—
(Here state names and character of parents and character
and description of home surroundings.)

SCHOOL.—As reported by teacher:
Name of school
Attendance
Progress
Conduct
Remarks

EMPLOYMENT.—As reported by employer:
Where employed and by whom
Kind of work
Diligence
Regularity

REMARKS.—(Here give general remarks and such
recommendations as the Probation Officer thinks will be help-
ful to the Court.)

Respectfully submitted,

....., Probation Officer.

ORDERS ADJUDGING CHILD DELINQUENT.

State of Colorado, City and County of Denver, ss.

IN THE JUVENILE COURT,

In the County Court of the City and County of Denver.

*In the matter of the People in the interest of.....
A child sixteen years of age or under, complained of as
a juvenile delinquent.*

The above entitled cause coming on for hearing this....
.....day of.....A. D. 190...., upon the
complaint filed herein and it appearing to the court that all
persons interested herein have had due notice as provided
by statute in such cases and the court now here having
jurisdiction of the subject matter and of the parties, and
after hearing all the evidence adduced and being sufficiently
advised in the premises doth find that the said.....
is a child sixteen years of age or under, to-wit, about the age
ofand is in all respects within the pro-
visions of the act concerning delinquent children; that the
said act has in all respects been duly complied with in said
cause; the court finds the said child did commit the act or
acts charged in the complaint herein;

Wherefore, and by force of the statute in such case
made and provided, the said child is and is adjudged to be a
juvenile delinquent person, whose acts and conduct demand
the interposition of the state in its behalf;

It is therefore considered, ordered, adjudged and decreed
that the said child is a delinquent child, and a ward of this
court (and the case is such as to make it unwise in the opin-
ion of the court to further suspend any order or judgment
herein, or submit the child to probation) and until the further
order of this court the said child is permitted to go hence sub-
ject to report to the probation officer or officers, of the court,
or the judge thereof, at such times as it may be directed or
required, and subject to such other discipline, disposition
and conditions as may be imposed by the court during its
term of probation; and so long as such child shall, in the
opinion of the court, comply with the conditions and terms
of its probation, final judgment herein, or final commitment
to any other place, person or institution, is hereby stayed
and suspended; such suspended judgment, however, to be
subject to the direction and conditions imposed by the court
and in no event to extend beyond the minority of said child,

or such time as in the opinion of the court such child has been sufficiently corrected of its delinquency, and final judgment entered herein, otherwise committing or desposing of the custody of such child or discharging it from any further control by the court in this cause.

.....
Done in open court thisday of A. D. 190...
By the Court.....
Judge Juvenile Court, City and County of Denver.

ORDER OF DISCHARGE.

In the above entitled cause it appearing this day that the said.....has faithfully observed the terms of his probation in accordance with the order heretofore entered herein, and it appearing to the best interest of said child, it is ordered, adjudged and directed that he be discharged and dismissed from any further proceedings in said cause.

Done in open court thisday of A. D. 190...
By the court.....
Judge Juvenile Court, City and County of Denver.

ORDER OF COMMITMENT.

In the above entitled cause it appearing this day that the said.....has failed to (or was not placed on probation) faithfully observed the terms of his probation in accordance with the order heretofore entered herein, it is ordered, adjudged and directed that the further enforcement of said judgment be no longer suspended and that he be committed to the State Industrial School for....
.....to be there received, cared for, educated and kept in custody until he shall arrive at the age of 21 years, unless sooner released by the Board of Control of said institution;
..... is therefore ordered and directed to take the body of said and see that he is safely conveyed to the said institution and delivered to the superintendent and make due return of his acts accordingly.

Done in open court this.....day of.....
190....
By the court.....
Judge Juvenile Court, City and County of Denver.

MITTIMUS.

State of Colorado, City and County of Denver, ss.

*The People of the State of Colorado, to.....
.....of the
City and County of Denver, and to the Superintendent
of the State Industrial School for boys, State of Colo-
rado, Greeting:*

Whereas, at the.....Term, last past, of
our Juvenile Court (County Court) of the City, County and
State aforesaid, sitting upon a certain cause in our said
Juvenile Court (County Court), in regard to.....
age.....years, on the.....day of.....
wherein it was represented to the Court that the said.....

.....
was a juvenile delinquent person, as defined by the statutes
of the State of Colorado concerning delinquent children; and

Whereas, the said statute was in all respects duly com-
plied with in said cause, and upon trial thereof it appeared to
the Court, from evidence in said cause, that said.....
.....was and is a juvenile
delinquent person as aforesaid, and a judgment in our Juve-
nile Court (County Court) on the.....day of.....,
last past, having been given holding the said.....
.....to be a delinquent juvenile
person as aforesaid, and the said.....
was thereupon ordered to be sent to the State Industrial
School for Boys of the State of Colorado, until he was of
the age of twenty-one years but pending the enforcement
thereof the said.....
was placed on probation and said order suspended during
his good behavior, under the rules and regulations of the
said Court.

And it appearing upon this.....day of.....
that the said.....has violated
the terms and conditions of his probation, and failed to main-
tain the good behavior exacted thereby and agreed to by him;

It is considered, ordered, adjudged and decreed that the
said.....be by.....

.....
conveyed with all convenient speed to the State Industrial
School for Boys of the State of Colorado, there to be deliv-
ered to the Superintendent thereof, to be by him received,

kept, cared for, aided, assisted and educated therein until he shall have attained the age of twenty-one years, unless sooner discharged by the Board of Control.

Witness, Thomas L. Bonfils, Clerk of the Juvenile Court (County Court) of the City and County of Denver, and the seal thereof, at Denver, in said County, this..... day of.....A. D. 190....

By.....

.....y.
Clerk of the Juvenile Court (County Court.)
Deputy.

The Clerk of the Court will attach hereto the following information regarding juvenile committed:

Name in full of the child.....
Street number address.....
School and grade.....
Health, as far as known.....
Parentage, whether living or dead, whether divorced or desertion, occupation.....
How long on probation.....
Nature of delinquency.....

COLORADO STATE INDUSTRIAL SCHOOL
FOR.....COLO.

.....190...

This is to certify, that.....
of the City and County as aforesaid, delivered into my custody, in accordance with the terms of the within mittimus, to the State Industrial School for.....the
within named.....

Supt. State Industrial School for Boys.

State of Colorado, City and County of Denver, ss.

The People of the State of Colorado against

Henry A. Lindsley, District Attorney within and for the Second Judicial District and of the judicial district constituted by the City and County of Denver, in the State of Colorado, in the City and County of Denver, in the State aforesaid, in the name and by the authority of the people of the State of Colorado, informs the Court that.....
or to-wit, the day of.....
A. D. 190.. at the City and County of Denver, was the parent, legal guardian and person having the custody of one, who was then and there a delinquent child and juvenile delinquent person, as defined by the statute of the State of Colorado, and that the said then and there being such parent, legal guardian and person having the custody of such child, was responsible for, and by his acts did encourage, cause and contribute to the delinquency of such child by then and there unlawfully, contrary to the form of the statute in such case made and provided and against the peace and dignity of the people of the State of Colorado.

HENRY A. LINDSLEY,

District Attorney.

Deputy.

DEPENDENT CASES.

Blank forms of petitions and other papers and orders used in dependent cases are somewhat similar to delinquent cases, the forms varying according to the facts.